

# EXHIBIT 30

REVISED REDACTIONS

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

**CERTIFIED  
TRANSCRIPT**

NEELAM SANDHU, an individual,  
  
Plaintiff,

-vs-

Case No.:

BLACKBERRY CORPORATION, a  
Delaware Corporation; and  
JOHN GIAMATTEO, an individual,  
  
Defendants.

24-cv-02002-SK

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VIDEO-RECORDED DEPOSITION  
OF JOHN GIAMATTEO

Date: August 28, 2025

Time: 9:07 a.m.

Location: Zoom Videoconference

Stenographically Cambria L. Denlinger

Reported By: CSR #14009

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1 MR. LAVOIE: And that's just a yes-or-no  
2 question.  
3 **THE WITNESS: Yes.**  
4 MR. TARTAGLIO: And I'll ask Mr. Lavoie if  
5 those are documents that have all been produced in the  
6 case?  
7 MR. LAVOIE: You know, I don't think you're  
8 entitled to know that, actually, but, yes, they were all  
9 produced.  
10 MR. TARTAGLIO: Okay. And just FYI, documents  
11 used to prepare witnesses for deposition are fair game,  
12 but if they've all been produced, that's fine.  
13 BY MR. TARTAGLIO:  
14 Q. Mr. Giamatteo, did you search for any documents  
15 in the process of getting ready for this deposition?  
16 **A. No.**  
17 MR. TARTAGLIO: I'm going to pull up now --  
18 well, I guess I'll put it in chat first.  
19 MR. LAVOIE: Tony, I think that -- I don't know  
20 whether you're using "document" in kind of a lawyerly  
21 like document, meaning everything under the sun that is  
22 in written form or electronic form, or if you mean  
23 "document" as in, like, a piece of paper. So I just  
24 want to make sure that, you know, there's a meeting of  
25 the minds there.

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1 you'll see that a couple pages in, there's an Attachment  
2 **A with some document requests. Do you see that?**  
3 MR. LAVOIE: Yeah, Tony, and I'll just make  
4 clear for the record that we object to all of these  
5 document requests. BlackBerry has complied with all of  
6 our document production responsibilities. To the extent  
7 that these requests ask for anything beyond what we'd  
8 already met and conferred over and agreed to produce,  
9 I'll be very direct with you, we did not undertake any  
10 additional effort to do anything in response to these  
11 document requests that you've been attaching to notices  
12 of depositions that are duplicative of other requests  
13 that you've made.  
14 You know, we've had extensive, extensive  
15 document production and meeting and conferring, and so  
16 we're not going to replicate that process with respect  
17 to witnesses who are employees of the company.  
18 So I'll be very direct with you. Per your  
19 request, we asked Mr. Giamatteo to look at any text  
20 messages on his personal cell phone. We did not do that  
21 in response to these requests, which, again, I'll  
22 reiterate, we object to each and every one of them as  
23 duplicative and overbroad and unduly burdensome in light  
24 of the long history of document discovery in this case.  
25 But we did ask him to look at his personal texts, and

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1 MR. TARTAGLIO: Well, I'll ask a follow-up  
2 question, which is that when I say "document," it could  
3 be text messages, it could be personal emails, it could  
4 being BBMs, it could be work emails, just about anything  
5 that was put in writing.  
6 As part of the preparation, for the deposition,  
7 did you search for any such documents.  
8 MR. LAVOIE: And I'll just tell the witness,  
9 like, it's okay to disclose that you've looked at your  
10 text messages. That's fine to say; that's not  
11 privileged. The fact that you conducted a look for text  
12 messages, you can say that.  
13 **THE WITNESS: Yeah, yeah. I did scan some --**  
14 **my phone on texts that I had with different people in**  
15 **the organization.**  
16 MR. TARTAGLIO: Okay. And let's look at  
17 Exhibit 1 here. For the record, this is the notice of  
18 deposition.  
19 (Whereupon, Exhibit 1 was marked for  
20 identification.)  
21 MR. TARTAGLIO: Let me know when you have that.  
22 (Off-the-record discussion.)  
23 MR. LAVOIE: I think we've got it now it, Tony.  
24 BY MR. TARTAGLIO:  
25 Q. So Exhibit 1 is a notice of deposition, and

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1 that's why you got the production of that individual  
2 text message yesterday.  
3 So the witness has not seen these document  
4 requests.  
5 MR. TARTAGLIO: That's fine. I think in the  
6 future, I'll ask you to try to keep the objections a bit  
7 shorter than that but...  
8 BY MR. TARTAGLIO:  
9 Q. So, Mr. Giamatteo, it sounds like you did  
10 search through your phone for some text messages that  
11 might be relevant to the case; is that correct?  
12 **A. Correct.**  
13 Q. And in your mind, presumably, you had some  
14 criteria to filter out the stuff that was not relevant;  
15 to keep the stuff that was relevant; is that correct?  
16 **A. Well, couple things: One, most of the**  
17 **communications I had was on my work phone, which we**  
18 **produced, and I think you got everything on it. So I**  
19 **just did a scan of the limited number of messages that I**  
20 **had with colleagues that were on my personal phone, and**  
21 **I literally scanned through every one of them. And, you**  
22 **know, found the one that I think is remotely reliable**  
23 **to the case, and that's why we produced that.**  
24 Q. And so what criteria did you use in your mind  
25 as you were scanning through your phone and looking? In



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1 other words, what would constitute a hit if you found  
2 something that you thought should be --  
3 **A. Anything that had to do with Neelam. Like**  
4 **there's -- you know, one of them is what our investor**  
5 **relations -- a lot of logistic things: Oh, we're**  
6 **meeting this -- we're going to have this time. At 9:00,**  
7 **we're going to meet with this investor.**  
8 **So, naturally, a lot of that stuff got -- you**  
9 **know, I didn't -- I didn't consider at all.**  
10 **So I just -- the hits I would look were**  
11 **anything involving Neelam or this case.**  
12 **Q. Do you have a separate cell phone that is**  
13 **issued by BlackBerry that is separate from your personal**  
14 **phone?**  
15 **A. I do.**  
16 **Q. Can you recall ever sending any text messages**  
17 **about Ms. Sandhu on your work-issued phone?**  
18 **A. I'm sure -- I'm sure I must have, and we would**  
19 **have produced that through the discovery.**  
20 **MR. LAVOIE: Well, I'll be clear, Tony, we**  
21 **collected -- as we've told you before, we collected and**  
22 **searched Mr. Giamatteo's phone as part of our reasonably**  
23 **diligent search. And we produced, as appropriate,**  
24 **within the contours of what we told you that we would be**  
25 **searching and producing. So the witness is not -- you**

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1 communications that might be relevant to the case?  
2 **MR. LAVOIE: Are you asking for his**  
3 **communications with BlackBerry's lawyers?**  
4 **MR. TARTAGLIO: Well, let me rephrase it.**  
5 **BY MR. TARTAGLIO:**  
6 **Q. At some point did you make an effort to**  
7 **preserve communications that might be relevant to the**  
8 **case?**  
9 **A. Yes. I'm not sure when -- exactly when, but as**  
10 **soon as it was clear there was going to be a case and,**  
11 **you know, the complaints and this whole process kicked**  
12 **off, I, you know, retained everything that I had on my**  
13 **PC and my phone.**  
14 **Q. I'm going to ask a few questions about your**  
15 **background now, and I think you've had a pretty lengthy**  
16 **career, so I'm not going to ask about every job you've**  
17 **ever had.**  
18 **So for your educational background, did you go**  
19 **to college somewhere?**  
20 **A. Yes. I went to college up here in New York**  
21 **City, St. John's University, and did my undergraduate in**  
22 **accounting and my MBA in accounting as well.**  
23 **Q. Besides the undergraduate degree and the MBA,**  
24 **do you have any other college degrees?**  
25 **A. No other college degrees. I did some**

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1 know, he's the CEO of the company. He's not fully  
2 conversant in the precise contours of what the parties  
3 agreed that we would search for and not, what would be  
4 in scope and not, but that's the process that we had.  
5 **MR. TARTAGLIO: Okay. And I'm going to ask you**  
6 **to please limit your objections because my question was**  
7 **whether he sent texts about Neelam on his work phone,**  
8 **and the answer was "yes." So there was no need for a**  
9 **long --**  
10 **MR. LAVOIE: That wasn't your question. Your**  
11 **question was what was done. And I think the witness,**  
12 **after having given his phone to us, you know, doesn't**  
13 **have personal knowledge of that, so...**  
14 **MR. TARTAGLIO: Okay. Well, no offense, but**  
15 **I'm interested in his testimony; that's why he's here**  
16 **today.**  
17 **THE WITNESS: I'm a little lost here.**  
18 **MR. LAVOIE: Are you trying to get back to the**  
19 **Zoom?**  
20 **THE WITNESS: Yeah.**  
21 **MR. LAVOIE: If you click on that.**  
22 **THE WITNESS: Thank you.**  
23 **BY MR. TARTAGLIO:**  
24 **Q. At some point were you told by someone within**  
25 **BlackBerry that you should try to preserve**

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1 **professional training, you know, through my career at**  
2 **Columbia University, at Stanford University, some**  
3 **corporate, company-sponsored professional training, but**  
4 **not any college -- additional college degrees.**  
5 **Q. And your current job is the chief executive**  
6 **officer of -- well, maybe that's one of your jobs.**  
7 **That's one of your jobs, right, is CEO of BlackBerry?**  
8 **A. Correct.**  
9 **Q. Do you have some other positions within the**  
10 **company, for example, on the board, anything like that?**  
11 **A. Yeah, I would say there's kind of three areas**  
12 **of responsibilities: You know, CEO of the company, I'm**  
13 **also a director on our board of directors, and I also**  
14 **kind of lead our secure communications division as the**  
15 **operating president of that division.**  
16 **Q. And before you became CEO at BlackBerry, what**  
17 **was your job title or job titles?**  
18 **A. My job titles at BlackBerry?**  
19 **Q. Yes, before becoming CEO.**  
20 **A. President of the cybersecurity division of**  
21 **BlackBerry.**  
22 **Q. When you came to BlackBerry --**  
23 **A. BlackBerry division. I think we kind of refer**  
24 **to it as the "business unit."**  
25 **Q. When you came into BlackBerry, did you have**



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1 that same position as president of -- well, let me  
2 rephrase.  
3 So if I say president of cyber unit, would that  
4 be a fair --  
5 **A. That's fine.**  
6 MR. LAVOIE: I think the witness is kind of  
7 looking up at the top corner to see you. I'm going to  
8 try to pin -- sorry, I guess -- videographer, is there  
9 any way to where the spotlight for Mr. Giamatteo will  
10 not be Mr. Giamatteo himself? I can see him kind of  
11 looking at the top corner of the screen to see the small  
12 picture of the examiner.  
13 THE VIDEOGRAPHER: Yeah, he needs to remain  
14 spotlit for the sake of the recording of the video.  
15 MR. LAVOIE: Okay.  
16 THE VIDEOGRAPHER: Are you trying to reposition  
17 his screens?  
18 MR. LAVOIE: No, no. I just think it's more  
19 natural to be kind of looking at the person asking the  
20 questions instead of looking at yourself, but if there's  
21 nothing we can do about that, there's nothing we can do.  
22 BY MR. TARTAGLIO:  
23 Q. Okay. So when you joined BlackBerry, did you  
24 join as the president of the cyber business unit?  
25 **A. Yes.**

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1 were part of that responsibility, and then I took on --  
2 the chief revenue officer role was much more  
3 go-to-market related. So that was sales, marketing,  
4 customer success, our lead generation, inside sales, all  
5 of that activity. So those were the two different roles  
6 that I was responsible for over my seven-year career at  
7 McAfee.  
8 Q. And when you joined BlackBerry and joined the  
9 cyber business unit, for the benefit of the jury who  
10 might not understand really what the product offering  
11 was within the cyber business unit at a very high  
12 level -- we don't need to go into super granular  
13 explanation of all the product offerings, but at a very  
14 high level, what kind of software did the cyber business  
15 unit develop and offer?  
16 **A. Yeah, I'll give it to you, Tony, in a summary**  
17 **level. I won't go into all of it, but there were four**  
18 **major significant pillars of products in the cyber**  
19 **security division. One was our UEM product, our unified**  
20 **end-point management. The second was our Cylance**  
21 **product. This was a company that we acquired for**  
22 **end-point protection and response capabilities. Our**  
23 **third was our AtHoc, our critical events management**  
24 **platform. And the fourth was our encrypted voice,**  
25 **video, and data and text with our Secusmart portfolio.**

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1 Q. Approximately when did you join BlackBerry?  
2 **A. October of 2021.**  
3 Q. Before then, you worked at another company I  
4 assume?  
5 **A. Yes.**  
6 Q. Which company was that?  
7 **A. That was McAfee.**  
8 Q. Approximately how long did you work at McAfee?  
9 **A. Approximately seven years.**  
10 Q. And when you left McAfee, what was your job at  
11 that point when you left?  
12 **A. I was the chief revenue officer of McAfee.**  
13 Q. And McAfee, did you have any -- strike that.  
14 Were all of your jobs at McAfee more of a  
15 finance-type role, or did you have another type of role  
16 like engineering?  
17 **A. Yeah. No, no, I was the -- in my time at**  
18 **McAfee, I was the president and general manager of our**  
19 **consumer division for my first four-plus years, almost**  
20 **five years, which entailed the entire organization. It**  
21 **was a team of about 1,600 employees. You know, over a**  
22 **thousand of them were engineers. We had a global sales**  
23 **organization, marketing organization, customer success**  
24 **organization, and channel management organization.**  
25 **So basically all of the operational functions**

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1 **So those four products: UEM, Cylance, AtHoc**  
2 **and Secusmart represented the cyber security business**  
3 **unit and all the activities associated.**  
4 Q. And I'm sure that you probably did a million  
5 things as president of the cyber business unit, but if  
6 you had to give a 30-second elevator pitch of kind of  
7 what you did there, what would that be?  
8 **A. Well, it was really a combination of**  
9 **go-to-market activities with our channel partners, with**  
10 **our customers, understanding their needs, our marketing,**  
11 **getting our brand and our value proposition for the**  
12 **products out into the marketplace. So I would say there**  
13 **was a part of my job that was go-to-market. There was**  
14 **another part of my job that was, you know, engineering**  
15 **and product roadmap related, what products were we**  
16 **developing, what were we going to develop in the future,**  
17 **what were we doing to fix some of the issues that we**  
18 **have in our existing products.**  
19 **So I would kind of describe it as a third of**  
20 **it -- maybe third to 40 percent was go-to-market, maybe**  
21 **a third of it was, you know, engineering and product**  
22 **related, and then the balance of it was more, you know,**  
23 **administration and planning, revenue forecasting.**  
24 **So those would probably be the balance of**  
25 **activities that kind of guided my day-to-day activities**



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1 in the cyber division.

2 Q. I'm now going to ask you to provide an

3 estimate, so this is where that little discussion from

4 earlier today kicks in. So if you don't know, you

5 should say you don't know, but if you can estimate, then

6 go ahead and do so.

7 Can you estimate about how many people worked

8 in your organization when you were president of the

9 cybersecurity business unit?

10 A. Yeah, when I'm leading the company, Tony, it

11 was probably in the range of about -- I want to say

12 about 1,200 -- somewhere between 12- and 1,300 employees

13 were in the cyber division.

14 Q. And one of your current positions within the

15 company is chief executive officer; is that correct?

16 A. Now? You mean referring to my position now?

17 Q. That's correct.

18 A. Correct, yeah.

19 Q. And so even though I think the jury might have

20 a high-level understanding of what that means, again, in

21 maybe a 30-second snapshot, what do you view as your

22 main goals as CEO?

23 A. Yeah. Well, I will tell you, our main goal

24 over the course of the last, you know, 18 months, coming

25 up on two years since I moved into this role, was

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1 corporate structures, but from what I've seen in the

2 documents, it looks like there's a couple of business

3 units that are kind of the foundation of what BlackBerry

4 does, one being cybersecurity, one being QNX; is that

5 fair to say?

6 A. Correct.

7 Q. And what does "QNX" stand for?

8 A. QNX is the -- is the name. It's literally the

9 name of our product for that particular division.

10 Q. And once in a while I'll just type something

11 for the benefit the court reporter so that we can get

12 accurate spellings.

13 What kind of products does the QNX unit offer?

14 A. The majority of the products that makes up the

15 majority of the revenue for QNX is our safety critical

16 software operating system. We create, basically, an

17 operating system that powers the software inside cars,

18 inside vehicles. So if you think of, you know, how you

19 use, you know, Outlook to power your computer, you know,

20 many, many car manufacturers use QNX as kind of the

21 Outlook of powering the software in their car.

22 So that's the nature of it. Highly

23 sophisticated, high-performance technology that we have

24 embedded in hundreds of millions of cars around the

25 world.

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1 getting the company back into a better financial footing

2 and foundation. We were a company that was unprofitable

3 at the time and burning cash, so one of our

4 responsibilities was to really fine tune our business,

5 focus on businesses that we think we can be profitable

6 with, we think we can establish leadership with. So

7 that, you know, was a lot of the focus initially was to

8 really kind of turn around the company and get us on a

9 better financial footing.

10 Q. And I apologize, but in addition to CEO and

11 being a member of the board of directors, I think there

12 was a third position you mentioned. Is that accurate?

13 A. The third area of responsibility is I've got a

14 great, strong team that kind of leads a lot of the

15 day-to-day activities. But on what's now -- we renamed

16 the cybersecurity division "secure communications" over

17 the course of the last, you know, six months. And as we

18 did -- so I have operational responsibility for the

19 secure communications division in addition to my role as

20 CEO of the company and a director of the board.

21 Q. I'm going to ask a couple of questions about

22 how the company is structured, and these are meant to be

23 very high-level questions, so we don't need to get into

24 the details of being incorporated in -- I don't know --

25 Delaware. Sometimes companies have very complicated

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1 Q. And so is it fair to say that BlackBerry has a

2 cybersecurity unit or division and then a QNX unit or

3 division?

4 A. Correct. We have basically two virtually

5 autonomous business units.

6 Q. And are those the two main business units you

7 would say, or are there other business units?

8 A. The one -- the other business unit that we --

9 that's smaller but it's important, it's strategic, it's

10 something that we're very proud of, is our portfolio of

11 IP.

12 BlackBerry is a 40-year-old company, has

13 amassed a massive amount of intellectual property and

14 patents over the years. So we do have a team that, you

15 know, manages that portfolio of technology, both in a

16 protective way for, you know, claims that might be made,

17 or in a proactive way to generate revenue where there

18 might be, you know, opportunities for us to license our

19 technology to other companies.

20 So those I would describe, Tony, as the three

21 divisions: The secure communications, QNX, and our IP

22 team is kind of how the company is structured.

23 Q. I'm going to ask a corporate structure question

24 that is going to have a little bit of a windup, but

25 hopefully this will be helpful, which is that sometimes





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1 a company will have business units or divisions that are  
2 not legally distinct from the company, they're just the  
3 internal organization of the company. But sometimes a  
4 company will have legally distinct entities under it.  
5 So I'll give you an example: Alphabet is a  
6 company; it's a holding company, and there are LLCs  
7 under Alphabet, one of which is Google. And there are  
8 other conglomerates that kind of work this way where  
9 there will be legally distinct business entities  
10 underneath the corporate umbrella entity. I think  
11 Berkshire Hathaway might be kind of similar.  
12 In other words, sometimes companies are one  
13 company and just have informal divisions, but sometimes  
14 there are kind of legal divisions and separate business  
15 entities in one, big corporate family.  
16 And so when we talked about the cyber unit,  
17 QNX, IP, are those legally distinct entities, or are  
18 those just divisions in one entity?  
19 A. No, there's legally distinct entities. And you  
20 know, within QNX, there's a number of different  
21 entities. There's a QNX entity in Japan, in Korea, in  
22 other markets similar. So they do roll into the, you  
23 know, kind of the corporate structure, but we do have a  
24 number of entities, you know, across the world for both  
25 divisions, generally, you know, in a -- segmented in a

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1 use this UEM product.  
2 That product was on a steep headwind and steep  
3 decline when I joined the company in October of 2021.  
4 Now, just for context, you know, of the reason why it  
5 was declining was, you know, Microsoft is a big  
6 conglomerate and has a gigantic ecosystem. So Microsoft  
7 embarked on a strategy where they would go to their  
8 enterprise customers and say, well, if you're using my  
9 Azure Cloud, if you're using my Outlook, if you're using  
10 Windows, if you're using all of these different  
11 Microsoft applications, we'll give you these other  
12 tools, you know, like a cybersecurity end point. We'll  
13 give you MDM, mobile device management, their product  
14 name was InTune. So we'll give you that for free.  
15 So as a result of this strategy, Microsoft  
16 would go to their biggest customers and say, if you're  
17 buying all this other stuff from us, we'll give you  
18 InTune for free. InTune was a direct competitor to the  
19 BlackBerry UEM product.  
20 So this was a very difficult kind of value  
21 proposition for us as a company because our customers  
22 would say, Microsoft is giving it to us for free. I  
23 know yours might be a little bit -- have better security  
24 and might have some other features and capabilities, but  
25 -- so I give you that context because that created a

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1 **geography-type of setting.**  
2 Q. If I were an investor and I wanted to buy stock  
3 in BlackBerry, would I have -- one option which is  
4 BlackBerry stock, or would I just to be able to buy  
5 stock just in QNX or just in cybersecurity? Is the  
6 stock sliced and diced that way or is there just one  
7 stock offering?  
8 A. Yeah, no. The stock is one offering as  
9 BlackBerry only.  
10 Q. One allegation in this case -- well, one  
11 potential allegation in this case is -- might be that  
12 the financial performance of the cybersecurity business  
13 unit declined under your tenure. How would you respond  
14 to the allegation that the financial performance of the  
15 cyber business unit declined while you were president?  
16 A. How do you define declined? Like revenue,  
17 profit, customer base, number of licenses that we power?  
18 So there's a lot of different definitions of "decline."  
19 Q. Let's go with revenue then. Did revenue  
20 decline?  
21 A. So, yeah, the company -- when I entered the  
22 company, one of the biggest issues, which was the  
23 decline in revenue, particularly with our UEM product.  
24 Our UEM product is a product that we sold to big banks  
25 and big governments. We have these Elite customers that

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1 massive, massive headwind for the UEM-side of the  
2 business, and we were on a massive decline.  
3 It's since now starting to level off because a  
4 lot of those big customers -- those big, Elite  
5 customers, a lot of them, during that tenure of the team  
6 that was managing the Elite, was dropping off  
7 precipitously. It's now kind of leveled off because a  
8 lot of that is stabilized, those customers have went  
9 away, and the customers that want to use that product  
10 are continuing to stay with us.  
11 So I give you all of that color. That was one  
12 of the biggest dynamics of the headwinds of the decline  
13 that was happening in the business before I even walked  
14 in the door, and I was trying, you know, to work very  
15 closely with the team to, you know, correct that and get  
16 it into a better place.  
17 Q. And so taking into -- well, strike that.  
18 So it sounds like there were competitive  
19 headwinds that were a challenge for BlackBerry, but just  
20 to kind of circle back to my original question, is it  
21 accurate that revenue within the cyber business unit  
22 declined while you were president?  
23 A. Due to those significant market dynamics and  
24 headwinds, yes, the business was declining.  
25 Q. One issue in this case is the relative



<p style="text-align: right;">Page 38</p> <p>1 financial performance of the cybersecurity business unit</p> <p>2 while you were president compared with the financial</p> <p>3 performance of the Elite customer group headed by</p> <p>4 Ms. Sandhu, and there have been kind of some arguments</p> <p>5 back and forth about which performed better.</p> <p>6 One kind of preliminary question I have is, do</p> <p>7 you think it's a comparison that makes sense to compare</p> <p>8 the cybersecurity business unit's financial performance</p> <p>9 to the Elite customers' financial performance, or is</p> <p>10 that sort of like comparing apples and oranges?</p> <p>11 A. Yeah, it's comparing apples and oranges for</p> <p>12 sure. The reason why all of -- most: 90 percent-plus</p> <p>13 of all of the Elite activity was a subset. So when you</p> <p>14 say well, what was the cybersecurity performance?</p> <p>15 90 percent of those Elite customers were a subset of the</p> <p>16 cybersecurity business.</p> <p>17 So if the cybersecurity was \$400 million, and</p> <p>18 the Elite customers were, you know, 150 of the \$400</p> <p>19 million, it was a subset part of that. So that's why I</p> <p>20 don't think it's accurate to say, well, how do the Elite</p> <p>21 do because the Elite was a direct reflection -- what was</p> <p>22 happening with the Elite accounts was a direct</p> <p>23 reflection of the direction of the cybersecurity</p> <p>24 division as a whole. So that's why I think it would be</p> <p>25 inaccurate -- or it would be like comparing apples and</p>	<p style="text-align: right;">Page 39</p> <p>1 oranges.</p> <p>2 Q. I have a few questions now about the Elite</p> <p>3 customer group, and I'll start off distinguishing</p> <p>4 between the goal of the group and the execution of the</p> <p>5 group because maybe those were not in synch.</p> <p>6 So for the goal or the theory of the group</p> <p>7 that -- for the Elite customers group, did you think</p> <p>8 that was a worthwhile goal to have a distinct business</p> <p>9 unit to cater to the needs of very big customers?</p> <p>10 A. I didn't think it was the greatest, you know,</p> <p>11 structure. You know, my boss at the time, when I was</p> <p>12 entering the company, informed me that he created this</p> <p>13 Elite -- this is a dedicated team focused on these Elite</p> <p>14 accounts. And I've often found them having separated</p> <p>15 from the main, you know, go-to-market sales force and</p> <p>16 engineering teams, and having it separated is not the</p> <p>17 best structure because it -- you know, it can create</p> <p>18 some tension inside the organization.</p> <p>19 But, you know, my boss at the time said, hey, I</p> <p>20 really needed to put this structure in place because we</p> <p>21 were having massive attrition in the field, in our sales</p> <p>22 organization. Literally, we were having, like, 40 or</p> <p>23 50 percent a year attrition. So that means if you had a</p> <p>24 sales team of 200 people, a 100 people of them would</p> <p>25 leave by the end of the year.</p>
<p style="text-align: right;">Page 40</p> <p>1 So this was becoming a real concern because our</p> <p>2 customers, who the salespeople that were responsible for</p> <p>3 maintaining the relationship were all walking out the</p> <p>4 door, so my boss at the time put in place, well, I got</p> <p>5 to keep my finger on the pulse of these top 30</p> <p>6 customers, so I'm going to have somebody just focus on</p> <p>7 them and make sure that I hear their voice, that I hear</p> <p>8 their concerns.</p> <p>9 So that structure was put in place because the</p> <p>10 company was going through a massive amount of attrition,</p> <p>11 and it was a way for him to have direct kind of contact</p> <p>12 with these top accounts at a time when there was a lot</p> <p>13 of, you know, turmoil in the workforce.</p> <p>14 Q. And so I know that there was some issues with</p> <p>15 the way that Elite worked out in practice, and we'll get</p> <p>16 to those, but when you heard about the group and you</p> <p>17 heard about the theory of the case for the group, the</p> <p>18 kind of goal behind it, did that seem like a good idea?</p> <p>19 A. Yeah. Well, you know, his judgment is much</p> <p>20 better than my judgment. I'm coming in on day one on</p> <p>21 the job. If the CEO at the time says I think this is</p> <p>22 the best way for us to maintain, yes, I trusted his</p> <p>23 judgment and thought I'm going to do everything I can to</p> <p>24 make this structure work.</p> <p>25 Q. And I'll ask now about the execution, how</p>	<p style="text-align: right;">Page 41</p> <p>1 things worked out in practice. So were there any</p> <p>2 challenges caused by the fact that there was this</p> <p>3 separate group, this Elite customer group?</p> <p>4 A. Yeah. Yeah, there were -- there were a number</p> <p>5 of challenges, and a lot of it had to do with --</p> <p>6 sometimes when you have multiple streams of</p> <p>7 communications going into the customer, if you have the</p> <p>8 Elite team talking to them about a number of things and</p> <p>9 then you've got the field sales team engaging with them</p> <p>10 and trying to sell them things, you know, sometimes the</p> <p>11 communication flow between the two teams and what's</p> <p>12 being said to the customer isn't great. So that,</p> <p>13 certainly, I think played out in the way that the</p> <p>14 structure of this organization was.</p> <p>15 Q. And so you mentioned multiple communications</p> <p>16 flows. Were there any other problems caused by the</p> <p>17 Elite customer group?</p> <p>18 A. I would say most of the problems were, you</p> <p>19 know, sharing information on what's going on with the</p> <p>20 account. You know, and if you don't have the</p> <p>21 information on what's going on with the account, the</p> <p>22 sales team, the rest of the organization, have a really</p> <p>23 difficult time supporting things.</p> <p>24 So it was kind of -- things were kept in a</p> <p>25 little bit of a -- a lot of a bit of a black box where</p>





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1 it was difficult to understand the direction. What's  
2 the quote, what's the strategy, what are we trying to  
3 position, where are we going? That was kept very quiet  
4 and separate from the field sales team organization who  
5 is trying to engage with the customer on a regular  
6 basis. So I think those, I think, were some of the  
7 common problems and friction that I think created issues  
8 for us.

9 Q. And so we talked -- and this is a bit  
10 repetitive, by the way, but this is all part of my  
11 effort to see if we can get a complete view of the  
12 problems with the Elite group.

13 So we talked about multiple communications  
14 flows. We talked about sharing, or perhaps not sharing,  
15 of information. Can you think of any other reasons why  
16 there were problems caused by the Elite customer group?

17 A. Those communications, strategy documents,  
18 information, sharing information, commercial  
19 discussions, I think those were the crux of really what  
20 was going on, and I think created the biggest -- the  
21 biggest challenge of that.

22 And, you know, it's unfortunate. I think if  
23 the team, you know, worked in a more collaborative-type  
24 of a manner, I think a lot of those communication  
25 issues, you know, could have worked themselves out. But

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1 Q. What kind of personality conflicts did you  
2 observe?

3 A. I think there was -- you know, there were trust  
4 issues. You know, people would speak to the customer  
5 and then not share that information of what they spoke  
6 to them about with other members of the team. That  
7 impacts trust, and people go, geez, you know, you had a  
8 whole meeting with that person and you didn't even share  
9 that information with me? I'm going in and talking to  
10 them the next day.

11 So -- so I think it's those -- those were the  
12 kinds of things that eroded trust and created, I think,  
13 a real difficult -- across-the-board; not just on the  
14 sales side of things, even on the engineering side of  
15 the business and the interactions with the engineering  
16 side. So I think those were, you know, what really --  
17 what really impacted those relationships.

18 Q. And during the time that the Elite customer --  
19 well, strike that.

20 At some point, did the Elite customer group  
21 cease to exist?

22 A. No. It's -- it actually started to morph and  
23 transition. Again, it was originally started to make  
24 sure we've got our -- our kind of pulse-check on these  
25 top 30 or so accounts at a time where there was

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1 I think sometimes the dynamics and the personalities and  
2 things like that come into play, and it certainly  
3 created a bit of friction.

4 Q. Were there any benefits that you saw from the  
5 Elite customer group? Any good things that came about  
6 from that structure?

7 A. Well, certainly, I think before my arrival,  
8 having -- like I said, one benefit of when you have  
9 50 percent attrition and the entire organization is  
10 walking out the door, having a direct line of  
11 communication into these important customers, I think  
12 was a benefit, was a good move where we could hear and  
13 understand what their needs are, what their concerns  
14 are. So I think that was a very good move, and, you  
15 know, the Elite -- the organization that focused on the  
16 Elite account would, you know, get an understanding of  
17 what the issues were with the accounts, and I think that  
18 was helpful.

19 Q. It sounds like there may have been -- and you  
20 could push back on this; you don't have to agree with  
21 the premise of my questions -- but it sounds like there  
22 may have been some personality conflicts between the  
23 cybersecurity business unit and the Elite customer  
24 group. Is that accurate?

25 A. Yeah, I think that's accurate.

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1 attrition, turmoil in the company. So that was the  
2 reason why it was created.

3 And when I spoke to John Chen, his coming in,  
4 he was, like, once you stabilize the organization, get a  
5 leader in the Amia Region, Asia Pacific Region. We  
6 didn't have a leader -- you know, our largest business  
7 was the federal government in the U.S. That was our  
8 largest segment of business. We didn't have a leader  
9 there. So my job, when I first came in, was to use my  
10 Rolodex, and try to recruit people and try to create --  
11 you know, fill some of these roles and some of these  
12 gaps.

13 So after a year of doing that, we hired, we  
14 backfilled, we strengthened; attrition started to  
15 improve; it started to go down. That was when we  
16 started thinking, okay, well, at what point now -- if  
17 the organization is stabilizing, then the need for this,  
18 you know, Elite organization -- which was put in place  
19 because of the turmoil at the time -- now that it's  
20 stabilizing, now let's talk about going back to, you  
21 know, a more conventional kind of go-to-market structure  
22 where the field sales teams were managing it. So -- and  
23 we, you know, slowly started to implement that over  
24 time.

25 Q. Okay. And so I want to present to you kind of



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1 alternative scenarios, and you can tell me which one is  
2 closer to the truth.

3 Scenario one would be you become CEO, and you  
4 say, okay, we don't need this Elite customer group  
5 anymore. Let's get rid of this.

6 And the other would be that it was more of a  
7 gradual process that took some time. Is number two more  
8 accurate?

9 MR. LAVOIE: Object to the form of the  
10 question; incomplete hypothetical; vague.

11 THE WITNESS: With that objection noted, I  
12 would say, Tony, number two is more accurate. It was  
13 much more -- this -- this transition of some of these  
14 accounts back into the field sales organization happened  
15 well, well before I became CEO, where I was even  
16 contemplated to become CEO. This was a conversation  
17 that was going on at the end of 2022 -- February of  
18 2022, February, March, of 2023 and April of -- kind of  
19 that. As we were doing the planning for the next fiscal  
20 year, that's when John Chen was thinking, all right, now  
21 that this kind of Elite organization -- I don't want to  
22 say has served its purpose -- and we've strengthened the  
23 field sales, we'll start to transition some of these  
24 accounts, and that started in the beginning of 2023.  
25 ///

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1 were doing the planning for, you know, March of 2024.  
2 So probably three or four months after. That's usually  
3 -- honestly, Tony, that's usually the natural, normal  
4 time in business to make a kind of change is to align it  
5 with the next fiscal year. This way, you know, the  
6 people have their annual targets, what they're focused  
7 on, what their customers. You generally want to get  
8 that lined up at the time of -- you know, when the next  
9 fiscal year starts. So that's why, you know, that  
10 seemed like the logical progression.

11 Q. During the time that John Chen was CEO, did you  
12 have any conversations with him about moving customers  
13 from the Elite customer group into the general  
14 cybersecurity sales organization?

15 A. Yeah, we did.

16 Q. Did you ask John Chen to move some of those  
17 customers over to the cybersecurity division?

18 A. I didn't have to ask John Chen. That was John  
19 Chen's intention and strategy, as I tried to articulate  
20 earlier. John Chen put this Elite thing in place  
21 because we had attrition. Once the attrition got  
22 stabilized and we got leadership replaced in these  
23 different places, it was John Chen's plan all along  
24 to -- you know, to transition.

25 So it's not like I needed to go ask him. I

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1 BY MR. TARTAGLIO:

2 Q. Are you able to provide an estimate of when the  
3 Elite customer group disbanded, assuming it has?

4 A. So I think Phase 1 of the Elite customer  
5 group's activity, you know, moving to the field sales,  
6 happened -- and I want to say maybe, arguably 50 percent  
7 of the Elite team, in March or April of '23, started  
8 phasing back into the organization as part of John  
9 Chen's plan to do that.

10 And then the remainder of the accounts that  
11 were part of the Elite happened, yeah, after I became  
12 CEO and as we were doing the planning for the next  
13 fiscal year. So it was kind of a two-year transition  
14 that that happened.

15 Q. Are you able --

16 A. The first year of transition happened while I  
17 was president of the cyber division and John Chen was  
18 CEO, and the second half of the transition happened  
19 after I became CEO.

20 Q. And for the transition that happened after you  
21 became CEO, about how long did it take from the time you  
22 became CEO to the time the Elite customer group was  
23 disbanded?

24 A. I would say we probably -- you know, I became  
25 CEO in December of 2023, so that probably happened as we

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1 did, you know, support it, and I did want to do it  
2 faster because I thought it was a better operating  
3 structure for us to have these accounts more aligned  
4 into the integrated go-to-market structure. So I did  
5 encourage it, and I did pursue it. But it really was  
6 part of John's original strategy to transition things  
7 back once the organization stabilized.

8 MR. TARTAGLIO: I think now is a good time for  
9 a break. Why don't we take a break? We can talk about  
10 coming back once we go off the record.

11 THE VIDEOGRAPHER: We are going off the record.  
12 The time is 10:10 a.m.

13 (Whereupon a recess was taken.)

14 THE VIDEOGRAPHER: We are now back on the  
15 record. The time is 10:18 a.m.

16 BY MR. TARTAGLIO:

17 Q. So the plaintiff in this case is Neelam Sandhu,  
18 who I represent. Do you remember approximately when you  
19 met her?

20 A. In the early part of October, Tony. My first  
21 day on the job at BlackBerry was October 4th, so chances  
22 are I probably came to San Ramon, and I might have met  
23 her in the office that week as the first time, but  
24 somewhere around that time.

25 Q. And do you remember what -- well, strike that.



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1 Do you remember anything from the first  
2 conversation you had with her?

3 A. No, I don't -- nothing in particular. Just it  
4 was literally a one-minute hello, introducing ourselves,  
5 and just kind of greetings and salutations. There was  
6 nothing -- nothing really significant about it.

7 Q. When you met Ms. Sandhu, did you ask her if she  
8 was Indian?

9 A. I don't recall. I might have. That's, you  
10 know, something I -- I don't know if I would have said  
11 anything or asked in the -- when I very first met her,  
12 or if it was something I would have -- you know, we  
13 would have talked about at a subsequent time, but I  
14 certainly would think that that might be something I  
15 would ask.

16 Q. Before you became -- strike that.

17 So let's look at the last year at BlackBerry  
18 before you became CEO, so from the time you became CEO  
19 to one year prior. On any given week, let's say, about  
20 how much time would you spend communicating with  
21 Ms. Sandhu? Was it every day, multiple times a day,  
22 once a week, that sort of thing?

23 MR. LAVOIE: Objection; assumes facts.

24 BY MR. TARTAGLIO:

25 Q. Or maybe it wasn't as frequent as once a week,

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1 Q. Did Ms. Sandhu, to your hearing about it, have  
2 a reputation for being someone who is difficult to work  
3 with?

4 A. Yes.

5 Q. And what sort of things did you hear about her  
6 reputation of being difficult to work with?

7 A. You know, depending on the organization. You  
8 know, so the field sales organization found it very  
9 frustrating that, you know, she would have conversations  
10 with customers, wouldn't share any information. When  
11 they would complain or inquire about it, she would  
12 immediately pull out, well, if you look at Section, you  
13 know, XX in our MAP policy book, it says that I am, you  
14 know, entitled to do this and don't have to tell you.

15 So she had that kind of demeanor about her.

16 You know, keep the relationship, keep the information,  
17 and when people would resist it, a lot of times invoke,  
18 you know, "I report to the CEO." "The MAP is the  
19 policy."

20 So she would kind of, you know -- there was a  
21 reputation of bullying and belittling people underneath  
22 her. I would get that a lot.

23 Q. Let's see, and so I'll draw a distinction  
24 now -- and legally, distinction is sometimes important  
25 between things that you observed firsthand and things

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1 but what's your best estimate of about how frequently  
2 you would work together with Ms. Sandhu?

3 A. Tony, you're referring to when I first joined  
4 the company? Before?

5 Q. This would be your last year before you became  
6 CEO.

7 A. Last year? Very infrequently. Very  
8 infrequently. Definitely not once a week. So we would  
9 have infrequent discussions.

10 Q. Did you have some sort of a standing, regular  
11 call together or meeting where you would both be  
12 present?

13 A. Generally you'd have a one-on-one call, but I  
14 don't recall if it was, like, a regularly scheduled  
15 every other week, or if it was a call that we scheduled  
16 as needed. But we, on occasion, would have, like, a  
17 one-on-one catch-up call.

18 Q. How would you describe -- well, assuming you  
19 have an opinion about it, what opinion do you have of  
20 Ms. Sandhu's work ethic?

21 A. Yeah, I -- I heard about, and what little that  
22 I engaged with her on, observed a really strong work  
23 ethic. She lived and breathed her work. So I would  
24 definitely, you know, give her high marks for a strong  
25 work ethic.

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1 that you heard about from other people.

2 And so did you have any firsthand experiences  
3 with Ms. Sandhu in which you found her to be acting in a  
4 way that was, let's say, a bit hostile?

5 A. Yeah. You know, the one that -- the one that  
6 comes to mind that -- right out of the bag when I hear  
7 that question has to be just the petty, small-ball type  
8 of, you know, behavior that she did.

9 And I'll give you a great example was in our  
10 investor conference that we had in, I think it was, May  
11 of 2023. You know you have the business unit presidents  
12 present. So I presented for the cyber division.

13 Mattias Eriksson presented for the QNX division, John  
14 Chen kicked it off as the CEO, and then we had the CFO  
15 talk about the numbers. So this was kind of the general  
16 flow of it.

17 And when I present, you're presenting to Wall  
18 Street, the investors. You're talking about the  
19 business, the trajectory, you know, the customers, the  
20 excitement that you have, the future direction. And  
21 somewhere in my presentation, I said, you know,  
22 governments represent 70-75 percent of our business.

23 And, in fact, we renewed one of our -- one of  
24 the G7 governments did a long-term renewal for our  
25 entire portfolio. That's a typical thing that you would



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1 say at an investor conference. I don't know, a day  
2 later -- maybe the same day -- I think I got an email or  
3 a BBM -- sometimes we communicated with BBM -- where she  
4 accused me, like, of -- you know, literally, she said:  
5 At the 39-minute mark and 33 second, you  
6 referred to a G7 customer, which happened to be,  
7 you know, an Elite customer.  
8 And: What did you mean by that? And why  
9 did you say that?  
10 And I thought -- I was just flabbergasted by  
11 the question. I was absolutely flabbergasted by the  
12 question because I think the inference was why didn't I  
13 recognize her by name? It's an investor conference.  
14 You never recognize anybody by name.  
15 If you look at the earnings scripts for myself  
16 and John Chen going back five years, you'll never see  
17 anybody's name mentioned when you're talking to  
18 customers. You're talking about the business, about the  
19 trends, about the dynamics, where you're making  
20 investments, not about recognizing people. And that was  
21 a real telling tale of how she thought about herself,  
22 and that, to me, was a conflict. I was really taken  
23 aback by that, honestly.  
24 Q. Other than this anecdote you just recounted  
25 regarding the investor call and the follow-up email from

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1 there was some conflict that arose between yourself and  
2 Ms. Sandhu?  
3 A. You know, a third one would have to probably be  
4 -- involve, ABB, one of our big customers in Europe.  
5 We're working on a renewal, and we needed to come  
6 together on a coordinated strategy as a team because our  
7 field team in Europe was talking to one set of customers  
8 and had an opinion on the strategy that we should be  
9 employing to renew that customer. And then Neelam's,  
10 you know, Elite team was having another set of  
11 conversations with the customer. And I was trying  
12 desperately to get her to get, you know, Neelam and Hans  
13 Bauer on the phone for us to, you know, get synched up  
14 on how we strategize, and that wasn't an easy process.  
15 So those were a couple of, you know, examples  
16 between the investor conference, between the -- you  
17 know, the federal government partner thing and, you  
18 know, getting on the same page with ABB was -- there  
19 were kind of three specific areas that I can kind of  
20 remember where, you know, it was -- it was difficult  
21 working together.  
22 Q. Can you recall any other anecdotes along those  
23 lines?  
24 A. Tony, there's three. I guess I could probably  
25 come up with some more, but I think that gives you the

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1 Ms. Sandhu, can you recall any other instances in which  
2 Ms. Sandhu treated you in a way that you thought was  
3 hostile?  
4 A. Yeah, I think the other one that comes to mind  
5 was a contract that we were doing with the federal  
6 government, and we had a partner -- long-standing  
7 partner. I won't say their name; I don't want to bring  
8 them into it. But we had a long-standing partner who  
9 handled this account and took care of the business of  
10 this particular customer of ours. And for some reason,  
11 Ms. Sandhu wanted to, you know, move that customer off  
12 of that account and move it to another account, you  
13 know, another channel partner.  
14 I thought that was inappropriate. I thought,  
15 you know, we've got a great relationship with the  
16 end-user customer. The partner that we're using today,  
17 the distributor that we're using today is doing a fine  
18 job at managing, you know, the relationship there. So I  
19 didn't feel that there was any need to try to move that  
20 customer to a different partner, and that was another  
21 area where we kind of, you know, conflicted a bit.  
22 Q. And sorry to be repetitive, but I do want to  
23 see if we can get as complete a list of examples as  
24 possible.  
25 Can you think of any other examples in which

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1 point.  
2 Q. Well, respectfully, I do want to see if you can  
3 remember any other specific examples of tense  
4 interactions between yourself and Ms. Sandhu.  
5 A. Okay. Yeah, I think -- I think I can give you  
6 another one. Another one had to do with our search  
7 engine optimization activity where Neelam moved into the  
8 role of CMO. You know, she had a very good reputation  
9 for, you know, land-grabbing as much, you know,  
10 responsibility as she could grab. And this search  
11 engine optimization team in corporate that she managed,  
12 managed the small little search engine optimization  
13 budget; call it a million dollars, maybe less than that.  
14 And that search engine optimization activity  
15 was for, you know, BlackBerry, was BlackBerry corporate.  
16 So it was the BlackBerry brand. It was the BlackBerry,  
17 you know, how do we position the BlackBerry brand in the  
18 market and that kind of thing. So that was what she was  
19 responsible for.  
20 The business unit, the cybersecurity business  
21 unit, we had our own search engine optimization budget  
22 and team that was focused on investing for search engine  
23 and SEO for lead generation, where you're talking about  
24 the products and the value and why our product is good.  
25 And so we would -- so it was much more product



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1 orientation generating leads.

2 And we would spend quite a bit of money with

3 that. We would spend probably over \$2 million a year on

4 search engine optimization. More than double what was

5 spent on the small corporate search engine optimization

6 budget.

7 And when Neelam, promptly when she moved into

8 the CMO role, she started to, you know, engage my team

9 around, well, we should bring all of this SCO to me; it

10 should all be in corporate. You know, and I should take

11 over -- that \$2 million budget and that team that

12 manages, they should be part of my team. And if they

13 came to me, I could optimize it and save us money by

14 bringing it over.

15 And that's something I didn't agree with. I

16 resisted. You know, completely two different teams,

17 we're completely two different missions. You have to

18 have a certain set of skill set to do SCO for brand

19 stuff versus a very different skill set for SCO, for

20 product-related lead generation activity.

21 So that would be another area where we

22 disagreed. You know, she thought it should all come to

23 her, and she could save some money. And, you know, I

24 thought it should stay where it is because it's more

25 aligned to the business unit and focused on driving lead

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1 when she first did it, the scope of her responsibility

2 was kind of like customer service, customer success, the

3 liaison. Be the communication channel with the customer

4 so we know what's going on.

5 So the relationship -- you know, her scope of

6 responsibility with that started as -- as, you know,

7 kind of customer service and customer success and

8 keeping your finger on the pulse of the customer. And I

9 guess, from what I heard -- because again, I wasn't

10 privy to it because apparently there was this mad

11 scramble to expand the charter of her team. Before I

12 arrived, I heard about it, that there was mad scramble

13 to expand MAP, the management, you know, approval

14 process, from her scope of being the customer service

15 MAP to now she's got strategic responsibility for the

16 overall account.

17 So anything that goes on with the account, goes

18 under her bailiwick. And I know there were people in

19 the organization, particularly on the field sales side

20 of the organization, thought that was a complete

21 land-grab. Like, usually the strategy and the

22 commercial and the relationship, usually that sits with

23 the field sales. Any organization. When I was at

24 McAfee, Intel, Nortel, the conventional structure is

25 that field sales owns the relationship and the strategy.

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1 generation for the business unit.

2 Q. And I think during your response at some point,

3 you referred to "land-grabbing." And I'm not in the

4 corporate world, so I'm not as familiar with that. What

5 did you mean when you mentioned land-grabbing?

6 A. Trying to grab responsibility from another

7 organization and pull it into your organization. Not

8 only, you know, people, but, you know, budget, funding.

9 You know, and under the guise of, well, I could do it

10 better and I could save us money. Meanwhile, you know,

11 the corporate team, you know, they had a very different

12 function, a very different kind of SCO.

13 So they didn't necessarily have the skills to

14 manage that. So, you know, coming in and saying well,

15 let's take the bigger budget and bigger team and move

16 them into my team and I'll manage it all, just didn't

17 seem right to me.

18 Q. Did you hear any discussions about Ms. Sandhu

19 being a land-grabber? I guess it doesn't have to be

20 those exact words, but did you hear any conversations

21 with her engaging in land-grabbing?

22 A. I did. I actually did. And it actually had to

23 do with when she first became responsible. And I guess

24 John Chen put her in charge of the Elite accounts, and I

25 don't know the exact time because it predated me. But

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1 Having this separate team that was put in place just to

2 be the liaison suddenly now is responsible for all of

3 the strategy, was a very, very unsettling, you know,

4 development for the field sales team.

5 So, again, Tony, a lot of this predated me, and

6 these were kind of gripes that I would hear from the

7 field sales team. But that was very much viewed as a,

8 gosh, she's supposed to be the customer liaison. Now

9 all of a sudden, she's land-grabbing and managing the

10 strategy of all of the accounts. So that would probably

11 be another example.

12 I wasn't with the company and watched it happen

13 first -- you know, firsthand, but I heard about it from

14 others in the company. And I also heard about it as it

15 was some kind of mad scramble to get it in place before

16 I started so she could have the position to say, well,

17 I'm responsible for these accounts. So those are

18 probably the best examples of land-grabbing that I could

19 probably recollect.

20 Q. Do you recall specifically any -- or which

21 individuals made complaints about Ms. Sandhu's

22 land-grabbing?

23 MR. LAVOIE: Objection. Misstates the

24 testimony; assumes facts.

25 You can answer if you know or understand the





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1 question.

2 **THE WITNESS:** Can you say the question again?

3 **Who complained about Ms. Sandhu is that --**

4 **BY MR. TARTAGLIO:**

5 Q. Yeah, can you recall who specifically made

6 these sorts of complaints about land-grabbing?

7 **MR. LAVOIE:** Object to the form of the

8 question; assumes facts; misstates the testimony.

9 **THE WITNESS:** Yeah, the field sales team, Tony.

10 **BY MR. TARTAGLIO:**

11 Q. Can you remember any names?

12 **A. Adam Enterkin, who was our kind of senior**

13 **leader for sales, was pretty vocal about the land**

14 **grabbing on the Elite accounts.**

15 Q. Can you recall anyone else?

16 **A. No, I can't recall anybody else.**

17 Q. Is there something against corporate policy for

18 someone in Ms. Sandhu's position to try to expand the

19 scope of her responsibilities within the company?

20 **A. I'm sorry, Tony, can you ask that again?**

21 Q. Yeah. Was it a violation of corporate policy

22 for Ms. Sandhu to try to expand the scope of her

23 responsibilities?

24 **MR. LAVOIE:** Object to the form of the

25 question.

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1 **MR. LAVOIE:** Object to the form of the

2 question; lacks foundation; calls for speculation;

3 vague.

4 **THE WITNESS:** Yeah, I don't know, Tony. I

5 don't know.

6 **BY MR. TARTAGLIO:**

7 Q. I'll assume -- well, strike that.

8 Does BlackBerry have a formal disciplinary

9 policy that includes things like warning letters and

10 formal counseling, letters of reprimand, that sort of

11 thing? Is there some sort of formal disciplinary policy

12 in place?

13 **MR. LAVOIE:** Objection. Lacks foundation;

14 incomplete hypothetical.

15 You can answer if you know.

16 **THE WITNESS:** Yeah, I don't know. I'm sure

17 there's a policy that -- that we have. I mean, you

18 know, in my leadership, we try to treat everybody in the

19 organization with respect and dignity, and, you know, to

20 create a good rapport across the organization. So we

21 encourage everybody to do that, and when we see signs of

22 conflict, we call it out.

23 **BY MR. TARTAGLIO:**

24 Q. Do you know whether Ms. Sandhu was ever

25 formally disciplined by BlackBerry one way or the other?

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1 **THE WITNESS:** No. I don't think that's -- I

2 don't think that's ever -- you know, Tony, I've been in

3 business for 35 years. You don't have bylaws that say

4 you know, "don't land grab." So I'm not sure, honestly,

5 how relevant -- in the real world of business, in the

6 real world of people working together, there's going to

7 be that kind of, you know, political infighting that's

8 going on. And, clearly, there was a lot of it going on

9 with the Elite team at BlackBerry.

10 **BY MR. TARTAGLIO:**

11 Q. So if Ms. Sandhu was trying to expand the scope

12 of her responsibilities, would there be something wrong

13 with that?

14 **A. Yeah. To the extent that it undermines the**

15 **rest of the organization. You know, because she has the**

16 **ear of the CEO and says I need to take on**

17 **responsibility. Meanwhile, the field sales, who has a**

18 **voice in this whole play, you know, wasn't consulted,**

19 **wasn't anything. And they woke up one day, and all of a**

20 **sudden Neelam is completely responsible for all of their**

21 **accounts. So as you can imagine, it must have been very**

22 **frustrating for them.**

23 Q. And -- strike that.

24 To your knowledge, did Ms. Sandhu ever violate

25 BlackBerry corporate policy?

Page 65

1 **MR. LAVOIE:** Objection. Lacks foundation;

2 calls for speculation.

3 **THE WITNESS:** I wouldn't know. She didn't

4 report to me, so what her manager -- how her manager,

5 you know, coached her or encouraged her to work with

6 others or improve on her, you know, behavior and

7 relationships is not something I was privy to.

8 **BY MR. TARTAGLIO:**

9 Q. Did Ms. Sandhu ever tell you in so many words

10 that she did not like the way that you were treating

11 her?

12 **A. I can't recall -- I can't recall of a direct**

13 **communication, you know, that -- about I don't care for**

14 **the way that you're treating me. We would have**

15 **differences along the lines of what I talked about**

16 **between the investor conference and ABB and SEM and**

17 **things like that. But, you know, if there was a**

18 **difference, if there was a conflict, I think it happened**

19 **in the matter of the instance. Not, you know, a general**

20 **I don't care for the way you're treating me type of**

21 **thing.**

22 Q. Did she ever accuse you -- by which I mean did

23 she ever tell you that she believed you were treating

24 her differently because she was a woman?

25 **A. Never that -- never did she bring up that she's**





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1 of us, but he had a different reporting relationship.

2 Q. And you also mentioned that Adam Enterkin had

3 said something to the effect of -- something about

4 Ms. Sandhu's filing of the complaint within HR; is that

5 right?

6 A. Yes.

7 Q. Can you recall -- now that we've been talking

8 along these lines for a while, can you recall any

9 specifics of what Mr. Enterkin told you about --

10 A. I don't. I don't. It was a long time ago, and

11 it was actually before my time. And, again, it was

12 something that was, you know, kind of speculative and

13 rumor. He didn't have any fact or information about

14 anything.

15 You know, it's that type of thing that happens,

16 I think, a lot in corporate world where people are

17 saying somebody was let go. I think that was because of

18 this. So it's just somebody speculating; had no

19 specific date or facts about it.

20 Q. Besides Mr. Shea and Mr. Enterkin, did you hear

21 anyone else discuss Ms. Sandhu potentially filing an HR

22 complaint?

23 A. No.

24 Q. Are you aware that Ms. Sandhu is alleging that

25 there was a dinner that she attended with you in which

Page 84

1 characterization, it was a perfectly friendly and

2 professional meeting -- dinner meeting.

3 BY MR. TARTAGLIO:

4 Q. Do you recall anything more specifically than

5 that about what happened during the meeting?

6 MR. LAVOIE: Object to the form of the

7 question; vague.

8 BY MR. TARTAGLIO:

9 Q. Well, let me ask this: Do you remember what

10 you talked about during the meeting?

11 A. I don't remember the -- I remember the themes

12 of it -- of the meeting were, A, you know, this was an

13 October 20th meeting. I had just started two weeks --

14 so two weeks ago. So this was a get-to-know-you type

15 of, you know, dinner meeting.

16 So, one, it was to establish a relationship and

17 to establish a rapport. And the other theme of it was

18 about, you know -- you know, the business. She was

19 responsible for these Elite accounts, and, you know, we

20 talked about, you know, the dynamics of what was going

21 on with the Elite accounts.

22 So those were generally the topics of, you

23 know, getting to know each other, you know, establishing

24 a personal rapport and relationship and talking about,

25 you know, business -- business matters, particularly as

Page 83

1 you had acted inappropriately with her?

2 A. Yes.

3 Q. And did you see that -- well, strike that.

4 Have you read the complaint or one of the

5 complaints that Ms. Sandhu has filed in this case?

6 MR. LAVOIE: Objection. I think "complaint" is

7 sort of ambiguous in this context. You mean the first

8 amended complaint, or something like that, or like an

9 internal complaint at BlackBerry?

10 MR. TARTAGLIO: Yeah, I'm talking about the

11 complaint was filed on the public docket as part of this

12 lawsuit.

13 BY MR. TARTAGLIO:

14 Q. Have you read that document?

15 A. Yes.

16 Q. And there was some discussion there about a

17 dinner that you had with Ms. Sandhu. Are you

18 remembering that?

19 A. Yes.

20 Q. So what would be your response as to what

21 happened during that dinner?

22 MR. LAVOIE: Objection. Calls for a narrative;

23 calls for a legal contention.

24 You can answer.

25 THE WITNESS: My description or

Page 85

1 it related to, you know, these Elite accounts.

2 Q. Do you recall who suggested that the meeting

3 happen?

4 MR. LAVOIE: Object to the form of the

5 question; vague. And I just want to make sure we're

6 talking about the dinner, right, or are you talking

7 about a meeting?

8 MR. TARTAGLIO: Well, the witness is referring

9 to it as a "meeting," so I'm okay with calling it a

10 meeting, but it's the dinner meeting we're talking.

11 BY MR. TARTAGLIO:

12 Q. Do you know who requested it, whose idea it

13 was?

14 A. You know, I don't recall, Tony. It was kind of

15 a mutual hey, you know, next time I'm in town why don't

16 we get together, we'll have some dinner, we'll -- you

17 know.

18 So I don't know if that was her suggestion or

19 my suggestion, but it was definitely a mutual let's --

20 you know, let's get together and get to know each other

21 and talk about business.

22 Q. Was there anything in the meeting -- the dinner

23 meeting that you said in hindsight you think, oh, maybe

24 I shouldn't have said that; maybe that was a little

25 inappropriate. Was there anything like that that



Page 86

1 happened at the meeting?

2 A. No, I thought it was a perfectly fine and

3 professional meeting.

4 Q. Did you say anything during the dinner meeting

5 about being called a "dirty old man"?

6 A. "Dirty old man" is not something that rolls off

7 my tongue, so it's not something -- an expression I

8 would say.

9 You know, knowing about the complaint or what

10 came into it now, I can totally see myself making a

11 self-deprecating comment around, you know, myself and my

12 three lovely daughters and my wife. You know, so I can

13 certainly see myself making a self-deprecating comment

14 around it, but not in the context of, you know, "dirty

15 old man" or anything like that. That's probably some

16 spin that might of came out from elsewhere.

17 Q. Before this lawsuit was filed, did you hear

18 that Ms. Sandhu had talked about the dinner meeting with

19 John Chen?

20 A. No, nope.

21 Q. Before this lawsuit got filed, did you ever

22 hear that Ms. Sandhu had requested that she not be asked

23 to travel with you?

24 MR. LAVOIE: Objection; assumes facts.

25 You can answer.

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1 report -- report directly to her to support the Elite

2 accounts. So she wanted to, effectively, be like the

3 general manager of these accounts and have the

4 engineering resources moved from my team. Billy Ho was

5 the leader of all of our engineering, so she wanted to

6 have those people come over, report to her, and be part

7 of her, you know, Elite team.

8 So that's what John mentioned that, you know,

9 she proposed to him. He told me that he told her, well,

10 that's not a structure he agrees with. You know John --

11 myself, John Giamatteo, is responsible for the business

12 unit. If you want to be the general manager of that

13 segment of the business, you would have to move over and

14 report into him versus extracting the engineering team

15 and having them go over and report to you.

16 So that was the nature of the discussion that

17 John brought up with me.

18 Q. Did you ever suggest to John Chen that

19 Ms. Sandhu should come work in your business unit?

20 A. I didn't proactively suggest that she should

21 come over, but I did offer, as a solution, if she wants

22 to be a general manager of the division, then she

23 should, you know, come over and be part of my team. So

24 I offered that as a solution to solve her request.

25 Q. And was that an offer -- well, strike that.

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1 THE WITNESS: No, I was not aware that she made

2 a request not to travel with me.

3 MR. TARTAGLIO: This is probably a good time

4 for a break. How about we take a break?

5 MR. LAVOIE: Sure.

6 THE WITNESS: Sounds good.

7 THE VIDEOGRAPHER: This marks the end of Media

8 Number 1.

9 We are now going off the record. The time is

10 11:15 a.m.

11 (Whereupon a recess was taken.)

12 THE VIDEOGRAPHER: We are now on the record.

13 The time is 11:25 a.m. This marks the beginning of

14 Media Number 2 in the deposition of John Giamatteo on

15 August 28, 2025.

16 Please continue.

17 BY MR. TARTAGLIO:

18 Q. And did you ever discuss with John Chen the

19 possibility of having Ms. Sandhu work under you?

20 A. Yes, I did, but it was something that he brought

21 up. So it's something I responded to from something he

22 brought up. It's not something I approached him with.

23 Q. What did he bring up to you along those lines?

24 A. He brought up to me that Ms. Sandhu approached

25 him about wanting to have part of the engineering team

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1 Who did you make that offer to?

2 A. I made that offer in response to John Chen.

3 John already -- his instincts were already -- he told me

4 that he told Neelam that if you want to have that

5 responsibility, you have to go over and report to John.

6 I was in no way lobbying for her to come over. I was

7 more responding to, you know, this conversation that he

8 told me.

9 Q. Did you ever speak with Ms. Sandhu about her

10 possibly joining your organization and working under

11 you?

12 A. Yes, I did.

13 Q. What do you remember from that discussion?

14 A. Yeah, we talked about the structure. We talked

15 about the accounts. We talked about, you know, the --

16 you know, the functional duties inside of the account.

17 You know, I tried to assure her, you know -- you know,

18 that -- you know, look forward to working with her, and

19 we could work together and, you know, that, you know, I

20 would be a good team member, a good manager, and a good,

21 you know, supporter of hers.

22 And I even suggested, you know, you want to get

23 some kind of firsthand feedback, there's a person I used

24 to work at McAfee. She's a woman who ran the largest,

25 you know, engineering organization, and we had a



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1 long-standing working relationship. And I helped her do  
2 something similar to what you're looking to do as far as  
3 trying to broaden your career to become a general  
4 manager, and I suggest that you -- that you connect with  
5 her.

6 So that was the kind of the depth and breadth  
7 of the conversation we had.

8 Q. And I apologize, but I missed some of that  
9 because my screen froze. Would it be possible to have  
10 the reporter read out the answer?

11 (Record read.)

12 BY MR. TARTAGLIO:

13 Q. How did this conversation with Ms. Sandhu come  
14 about?

15 A. I believe she approached me, Tony, on -- you  
16 know, I spoke to John. Interested about the GM, the  
17 engineering resources being part of, you know, one team.  
18 He suggested, you know, it would have to be within the  
19 context of being on your team, so I wanted to understand  
20 that better. So that's my recollection was she  
21 approached me to -- you know, to discuss how this  
22 structure could work.

23 Q. How did Ms. Sandhu respond to the possibility  
24 of her moving to your organization?

25 A. I think she was just absorbing it. You know,

Page 92

1 didn't want to move into the business unit. You know,  
2 the thought of not reporting directly to the CEO, in my  
3 instincts, was kind of the bigger issue. But she, you  
4 know -- it eventually just kind of died; it just didn't  
5 go anywhere.

6 Q. Did Ms. Sandhu say something to you about  
7 reporting to the CEO, whether that was important to her?

8 A. No. She didn't. That was just my just  
9 impression.

10 Q. And what led you to form that impression?

11 A. Well, just, you know, the -- sometimes when  
12 you're, the, you know, kind of assistant to the CEO and  
13 you're involved in all the CEO matters, I didn't -- my  
14 instincts were she didn't want to, you know, give that  
15 up. You know, that this would have been a -- you know,  
16 a different role and a different focus. She didn't, I  
17 don't think, blatantly say anything about it. It was  
18 just more my read on it.

19 Q. You mentioned a -- well, strike that.

20 You mentioned that Ms. Sandhu could potentially  
21 talk with one of your former coworkers about what it was  
22 like to work with you; is that right?

23 A. Correct.

24 Q. What was her name?

25 A. Shailaja Shankar, S-H-A-N-K-A-R.

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1 at the time, I didn't really know her well, so I could  
2 tell she was just thinking about it. And you could see  
3 she was probably maybe processing the pros and cons of  
4 it and what that would mean to her.

5 So I kind of felt like she was in a little bit  
6 more of a fact-finding mode, and, you know, trying to  
7 get some information and consider whether that's  
8 something she wanted to do or not.

9 Q. Did she tell you whether she would be open to  
10 moving to your organization or not?

11 A. She said she was, you know, thinking about it,  
12 going to consider it.

13 Q. And I think we've been talking about just one  
14 discussion the last few minutes; is that correct?

15 A. Yes.

16 Q. Were there any other discussions you had with  
17 Ms. Sandhu about the possibility of her coming into your  
18 organization?

19 A. I think there were a couple, Tony. I think --  
20 I don't know -- two or three conversations that we had,  
21 you know, around it. And, again, all around, you know,  
22 structure, you know, segregation of responsibilities how  
23 it would work. You know, all of that, and -- but I  
24 think in the end, you know, she opted to. I don't think  
25 she was, you know, wanted to -- I kind of feel like she

Page 93

1 Q. Since leaving McAfee, have you stayed in touch  
2 with Ms. Shankar?

3 A. Yes, I have.

4 Q. Do you consider yourself to be a friend of  
5 Ms. Shankar's?

6 A. Yeah, colleague and, you know, we grew to have  
7 a friendly relationship.

8 Q. These days, about how often would you say you  
9 communicate with Ms. Shankar?

10 A. Usually we communicate around the holidays, so  
11 I would say, you know, two, three times, usually through  
12 text: Happy holidays; hope you're doing well.  
13 Sometimes she would send me: Hey, I met somebody from  
14 our old days; I was thinking of you. So I would say two  
15 or three kind of touch-base communications per year,  
16 sounds about right.

17 Q. Did you ever tell Ms. Sandhu that she should be  
18 nice to you because you have a large network?

19 A. No.

20 Q. Did you ever say anything to Ms. Sandhu along  
21 those lines?

22 A. No.

23 Q. So Ms. Sandhu is accusing you in her complaint  
24 of telling you that, allegedly, you told her she should  
25 be nice to you because he has a big network. What would



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1 be your response to that allegation?

2 A. I would say it's a silly allegation. It's

3 something I would never say -- ever.

4 Q. And why was it silly?

5 A. Who says that? Literally, Tony, who says that?

6 You better be nice to me, or I'm going to put

7 my network against you.

8 It's something I would never say.

9 Q. Did you ever tell John Chen that it was -- that

10 there was something offensive about the way Ms. Sandhu

11 tried to organize meetings with you?

12 A. Can you say that again? I'm not sure. What do

13 you mean organize -- something offensive with the way

14 she tried to organize meetings with me?

15 Q. I'll ask it a little broader. Did you ever

16 tell John Chen that there was something offensive about

17 the way Ms. Sandhu treated you?

18 A. I can't recall. I can't recall -- I could

19 certainly, you know, see myself making comments around

20 how -- you know, her and her team, how difficult it is

21 to collaborate with it. But I can't think of a time

22 where I would say she mistreated me, or that I would go

23 with a complaint that she was mistreating me. I can't

24 think of it.

25 Q. Did you ever talk with John Chen about Neelam's

Page 96

1 speak with anyone about why Ms. Sandhu left the company?

2 A. Before this lawsuit was filed, did I ever speak

3 to -- say it again, Tony? I'm sorry.

4 Q. Before this lawsuit was filed, did you ever

5 speak with anyone within the company about why

6 Ms. Sandhu left the company?

7 A. Yeah, I don't think that's -- that's something

8 I spent my time on. You know, Dick Lynch came in as

9 acting CEO and made a decisive decision to split the

10 company into two business units and thin out the

11 corporate layer. And by thinning out the corporate

12 layer, there was a number of functions and a number of

13 people that left the company.

14 So, literally, he announced that and executed

15 on it. And the only context I -- once Neelam left, it

16 was all about, you know, how do we transition, you know,

17 the work and the team into this new structure?

18 So that's the only conversation that -- we

19 wouldn't have had, why did Neelam leave? Or she left

20 because of this.

21 Now, Dick made the decision to split into two

22 companies to reduce the size of the corporate

23 infrastructure, and, you know, we were executing on

24 those decisions. So, no, we were not talking why she

25 left.

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1 potentially leaving the company?

2 A. No.

3 Q. Did you ever speak with Richard Lynch about

4 Neelam's potentially leaving the company, so before she

5 left?

6 A. No.

7 Q. Did you ever speak with Richard Lynch about

8 Neelam's leaving the company after she left?

9 MR. LAVOIE: Objection. Vague; potentially

10 leaving after she had actually left?

11 BY MR. TARTAGLIO:

12 Q. I'll reformulate the question.

13 After Ms. Sandhu left the company, did you talk

14 with Richard Lynch about her departure?

15 A. I only would have talked to him about it in the

16 context of, you know, transitioning the corporate

17 marketing team into the business units as part of his

18 strategy.

19 Q. Have you ever spoken -- and so I'll put a time

20 frame now. So before you learned that Ms. Sandhu had

21 been terminated or was leaving the company, so before

22 then, did you ever hear any discussions about

23 Ms. Sandhu's potentially leaving the company?

24 A. No.

25 Q. Before this lawsuit was filed, did you ever

Page 97

1 Q. So did -- beyond just general discussions of

2 corporate restructuring, did Mr. Lynch ever discuss with

3 you why he decided to terminate Ms. Sandhu?

4 A. He mentioned that -- he mentioned that he -- he

5 informed me of his decision of splitting the company

6 into two business units and reducing the corporate

7 infrastructure layer. And so he informed me that he was

8 doing that, and as he got further along into that, he

9 informed he that, you know, be ready to take on the

10 marketing functions because, you know, we're going to be

11 thinning out the marketing group, and Neelam will be

12 leaving. So he did communicate that as part, you know,

13 of his whole master plan and strategy.

14 Q. Can you recall anything else Mr. Lynch told you

15 about why he decided to terminate Ms. Sandhu?

16 A. No.

17 Q. Do you know whether -- well, strike that.

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]



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[REDACTED]

Page 99

[REDACTED]

Page 100

[REDACTED]

21 company, was that part of a larger -- well, did that

22 happen at the same time as a larger layoff within the

23 company?

24 MR. LAVOIE: Object to the form of the

25 question; vague.

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1 You can answer if you think you understand it.

2 THE WITNESS: Yeah, that -- I would say, Tony,

3 that was -- just to give you some color, we went from

4 3,000 employees -- more than that -- at that point in

5 time to 17 -- now, we're about 1,700 employees.

6 So that -- that complete restructuring as a

7 company happened in phases. Dick set in motion Phase 1

8 by kind of thinning out some of those top layers, and

9 then, you know, when I was inevitably was appointed CEO,

10 I carried out that strategy, and we ended up doing Phase

11 2, Phase 3, Phase 4 of other, you know, restructuring to

12 the point now where we, you know, basically halved the

13 size of the company.

14 So I think it started as a Phase 1 with Dick

15 kicking it off with his strategy. Then I kind of

16 carried it forward, you know, after I, you know, moved

17 into the role and executed on that over the last 18

18 months.

19 BY MR. TARTAGLIO:

20 Q. And I'll ask a little bit more specifically,

21 which is that a little bit after you became CEO, there

22 was a round of layoffs of around 200 people. And maybe

23 there were subsequent ones, but do you remember doing a

24 round of layoffs of about 200 people after becoming CEO?

25 A. Yeah, that sounds about right. We did multiple



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1 layoffs of -- so, like I said, we went from over 3,000  
2 employees to 1,700 employees. Now, granted, 400, almost  
3 500 of those employees of that reduction, came from when  
4 we divested our Cylance business.  
5 We sold that business off to another company.  
6 400-plus people actually went with the company -- with  
7 the new company. So that was the big tranche of  
8 activity. But the others were kind of phased, forced  
9 reductions as we did the restructuring.  
10 Q. And are you able to estimate about how much  
11 time elapsed between your becoming CEO and the first  
12 wave of layoffs that was instituted?  
13 A. Yeah, I became CEO middle of December, I guess.  
14 Somewhere in December; I forget the exact date, and we  
15 started, you know, a series of reductions probably in  
16 February and then more in April and then more again in  
17 July and August. So, yeah, there was a series of  
18 different phases.  
19 Q. Did the first round of layoffs that you  
20 instituted, did it happen approximately three months  
21 after you became CEO?  
22 A. Three months or less, Tony. Could have been  
23 somewhere in February or end of January, but somewhere  
24 in that January, February, March time frame.  
25 Q. Was Neelam Sandhu part of that first round of

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1 board, the way the board was run, the board didn't have  
2 as much influence on decision-making that happened in  
3 the company. So I kind of feel like when Dick moved  
4 into the chair of acting CEO, he wanted to put his  
5 thumbprint on changes that he thinks -- thought were  
6 appropriate for the company. So it doesn't surprise me  
7 at all that he moved as swiftly and decisively as he did  
8 around the changes that he made.  
9 BY MR. TARTAGLIO:  
10 Q. Did you hear any discussions -- or I guess I  
11 should say, were there any communications that you're  
12 aware of about terminating Ms. Sandhu before you became  
13 CEO?  
14 MR. LAVOIE: Object to the form of the  
15 question; vague; lacks foundation; calls for  
16 speculation.  
17 BY MR. TARTAGLIO:  
18 Q. And I'll be more specific. Do you recall  
19 seeing or hearing any communications about having the  
20 timing work out such that Ms. Sandhu would be fired  
21 before you became CEO?  
22 A. No, that was never -- never discussed with me.  
23 Q. Sometimes when a position within a company  
24 becomes redundant, the employee is offered another spot  
25 within the company. Does that happen sometimes?

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1 layoffs that you instituted?  
2 MR. LAVOIE: Object to the form of the  
3 question. Vague and ambiguous.  
4 THE WITNESS: No, she wasn't part of any of my  
5 actions. That was something that Dick did in his first  
6 phase of reductions when he was acting CEO.  
7 BY MR. TARTAGLIO:  
8 Q. Approximately how long was Mr. Lynch interim  
9 CEO?  
10 A. Approximately 30 days.  
11 Q. At the time that Ms. Sandhu was fired, she was  
12 chief marketing officer and may have held some other  
13 titles; is that correct?  
14 A. I believe so.  
15 Q. Do you think it's unusual for an interim CEO,  
16 who is on the job only about a month, to fire someone at  
17 the level of chief marketing officer?  
18 MR. LAVOIE: Object to the form of the  
19 question; incomplete hypothetical.  
20 But you can answer.  
21 THE WITNESS: Not in the case of Dick Lynch.  
22 If you know anything about Dick Lynch, he is, you know,  
23 an iconic executive, one of the highest ranking  
24 executives at Verizon for many, many years.  
25 So he was on the board, and I think at the

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1 A. Yeah, sometimes depending on the position and  
2 the scope.  
3 Q. Do you know one way or another whether, after  
4 Ms. Sandhu's position was eliminated, she was offered  
5 some other position within the company?  
6 A. No, I'm not aware --  
7 Q. Do you think it's unusual -- sorry. Could  
8 you -- I was talking. Could you repeat that last part?  
9 A. No, I was not aware, Tony, if she was offered  
10 anything else.  
11 Q. Do you think it's unusual that -- someone who  
12 had been with the company for over a decade and had  
13 risen to the ranks to become chief marketing officer, do  
14 you think it was unusual she would not be offered any  
15 sort of alternative position within the company upon  
16 being terminated?  
17 MR. LAVOIE: Object to the form of the  
18 question; vague; calls for speculation; lacks  
19 foundation.  
20 You can answer if you understand it.  
21 THE WITNESS: I'm sorry, Tony. Can you say it  
22 again?  
23 BY MR. TARTAGLIO:  
24 Q. Do you think it's strange that -- even though  
25 Ms. Sandhu had worked for the company for over a decade







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1 whether an org chart had been sent out that had  
2 improperly had Ms. Sandhu as a report of yours?  
3 A. Yeah. I reached out to our -- the leader of  
4 our -- apparently this was something that happened in  
5 our European business division. And so I reached out to  
6 the leader, and there was a little bit of delay in  
7 getting in touch with him because he was on holiday at  
8 the time. And then I was informed that, you know, it  
9 was corrected.  
10 Q. What, if anything, did you do to try to prevent  
11 a similar incident from happening again?  
12 A. Yeah, it's -- it's -- you know, it's something  
13 you keep your radar, you keep your antennas up and you  
14 look out for it, you know, again. It's not something  
15 that happens often. It's an innocent mistake by  
16 somebody a few layers down into the organization. It  
17 got corrected, and we moved on. So I didn't feel like  
18 we needed to institute a new policy across the  
19 organization to prevent this from ever happening again.  
20 We dealt with it, and we moved on.  
21 Q. Did you ever communicate with Mr. Lynch about  
22 some of the personality conflicts that Ms. Sandhu had at  
23 the company?  
24 A. Did I ever communicate with Mr. Lynch -- say it  
25 again. When, before I was CEO or after? What was the

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1 that they were working at the company together was he  
2 aware that she complained that he hadn't invited her to  
3 meetings?  
4 MR. TARTAGLIO: That's correct.  
5 THE WITNESS: No, I was not.  
6 BY MR. TARTAGLIO:  
7 Q. Before this lawsuit --  
8 A. I was not -- let me embellish my answer a  
9 little bit.  
10 I was not because I invited her to meetings. I  
11 actually invited her to a lot of meetings, almost all  
12 the meetings.  
13 There was a short period of time where there  
14 was an administrative snafu where my admin didn't have  
15 all the right people on the invite list, but once that  
16 was corrected, she was systematically invited to all of  
17 our staff calls and all of our quarterly business  
18 reviews.  
19 So I would not have -- actually, I would have  
20 been very surprised for her to make a complaint that she  
21 wasn't invited to the meetings when she was clearly  
22 invited to a long series of meetings during that time.  
23 Q. Did you ever direct one of your staff to stop  
24 inviting Ms. Sandhu to a particular meeting?  
25 A. I do recall, maybe like -- maybe a year or

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1 time sequence?  
2 Q. So before Ms. -- well, before you became CEO,  
3 did you ever communicate with Mr. Lynch about some of  
4 the personality conflicts that Ms. Sandhu had been a  
5 part of?  
6 A. I don't know if I would have gotten into that  
7 with Mr. Lynch. When he came in as, you know, CEO, we  
8 had a call, and there was a lot of things going on at  
9 the time. You know, we had a project Imperium, we had  
10 the Malaysia deal. You know, November is the closing of  
11 the third quarter. So I remember my dealings and  
12 communications with him were not about, you know, any  
13 dysfunctional relationships that existed in the company.  
14 It was more about business; what's going on in the  
15 business.  
16 Q. Before you became CEO, did you ever tell  
17 Mr. Lynch that Ms. Sandhu had a reputation for being  
18 difficult to work with?  
19 A. I don't believe so.  
20 Q. Before this lawsuit started, do you know  
21 whether Ms. Sandhu ever made a complaint about you of  
22 not inviting her to meetings that she should have been  
23 invited to?  
24 MR. LAVOIE: Sorry, Tony. I just want to --  
25 are you saying before this lawsuit, i.e., at the time

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1 18 months after, you know, having a series of our staff  
2 meetings and our QBR meetings. I do recall at one point  
3 where my admin kind of prompted me to say, you know --  
4 you know, I think it's probably around the time it was a  
5 new year, so going to send out a new series of invites.  
6 And she asked me, Who do you -- you know, who do you  
7 want to -- you know, do you want to drop this person  
8 off? Do you want this person to stay on? And at that  
9 point we realized Neelam never attended any of the  
10 meetings. So about a year and a half later, we did end  
11 up, you know, dropping her off that invite list.  
12 Q. Do you know whether Ms. Sandhu was notified  
13 that she was being dropped from this invite list?  
14 A. I don't know.  
15 Q. Before this lawsuit started, did you ever come  
16 to learn that Ms. Sandhu had accused you of leaving her  
17 off of emails that should have been sent to her?  
18 A. No, I can't -- can't say I did, Tony.  
19 Q. Did Ms. Sandhu ever confront you about not  
20 inviting her to meetings she should have been invited  
21 to?  
22 A. Not that I recall.  
23 Q. Did she ever confront you about --  
24 MR. LAVOIE: I think the witness was about to  
25 continue that answer it seemed, unless I --



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1 THE WITNESS: Yeah. Not that I recall.  
2 Again, the reason why I don't think this was an  
3 issue, I proactively -- just for context, Tony -- when I  
4 started with the company in October, you know, I started  
5 a staff meeting. Probably happened sometime towards the  
6 end of October, you know, when I first kind of got  
7 settled in.  
8 I found out sometime in December that Neelam  
9 was not included on those staff meeting invites, and I  
10 approached my new admin at the time and she was like,  
11 Oh, I didn't realize. I thought she reported to John  
12 Chen. I didn't think she reported to you, so I didn't  
13 include her on the invite list. And I wrote to her and  
14 said, Please include her -- you know, include Neelam on  
15 the invite list.  
16 And sometime thereafter, it was maybe  
17 December -- so this is maybe 60 days after I started  
18 with the company -- Neelam was added to our weekly staff  
19 call that we had every Monday for the next year, year  
20 and a half. She was also, further, added to our  
21 quarterly business review. We would have a QBR, and I  
22 wrote to her inviting her to participate in the QBR. To  
23 my knowledge, she didn't ever attend one QBR, and to my  
24 knowledge, maybe she attended one or two of our staff  
25 calls over the course of a year.

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1 the only instance I -- she didn't overtly accuse me of,  
2 You're taking credit for my work, but she was inquiring  
3 why did you say the G7? What did you mean by that? I  
4 didn't quite -- honestly, I didn't quite understand what  
5 she was getting at until later on.  
6 So -- but for the most part, no, I was not  
7 aware that she was concerned or making complaints about  
8 me taking credit for her work.  
9 Q. Did -- before this lawsuit was filed, did you  
10 ever come to learn that Ms. Sandhu had complained about  
11 customer proposals not being sent to the Elite group?  
12 A. Yeah. I don't remember the exact example, but  
13 I could see that being -- that was always -- honestly,  
14 Tony, that was always a two-way complaint. You know, it  
15 was the field sales team saying they met with the  
16 customer, they spoke about all these things, and they  
17 didn't share any of it with me; I'm in the dark talking  
18 to my customer.  
19 And then you've got the field sales teams that  
20 would, you know, take it upon themselves to send out a  
21 proposal to the customer and maybe not communicate it  
22 with her. So I do think that was part of the -- you  
23 know, the dysfunction that existed between the two  
24 teams, so I could see that being a kind of a two-way  
25 activity.

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1 So I was -- it would be shocking to me that she  
2 would have made a complaint that she wasn't invited to  
3 meetings when, clearly, you know, she was invited to the  
4 lion's share, almost all, of our key business process  
5 meetings. And I'm sure all of those invites are in the  
6 documentation that you have.  
7 BY MR. TARTAGLIO:  
8 Q. Before this lawsuit was filed, did you come to  
9 learn that Ms. Sandhu had accused you of excluding her  
10 from customer meetings?  
11 A. No.  
12 Q. And I'll expand it a little broader now. Did  
13 you learn that she had accused one of your direct  
14 reports of excluding her from customer meetings?  
15 MR. LAVOIE: Object to the form of the  
16 question; vague.  
17 THE WITNESS: Honestly, I don't recall, Tony.  
18 BY MR. TARTAGLIO:  
19 Q. Before this lawsuit was filed, did you come to  
20 learn that Ms. Sandhu had accused you of taking credit  
21 for her work?  
22 A. No. Well, I shouldn't say that. Remember that  
23 anecdote that I told you before about the investor  
24 conference and her sending me a message thereafter  
25 inquiring about my reference to the G7 account, that's

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1 Q. Earlier today we talked about an anonymous  
2 complaint that was filed against you around the time  
3 John Chen announced his resignation. Do you recall  
4 that?  
5 A. Yes, sir.  
6 Q. For my -- so for my next series of questions,  
7 we don't have to mention that because we already  
8 discussed that one. But other than that Ethicslink  
9 complaint we talked about, are you aware of -- before  
10 this lawsuit started, did you become aware of anyone  
11 else at the company accusing you of sexual harassment?  
12 A. No. I was never accused of sexual harassment  
13 in any way. Nobody communicated anything to me that  
14 there was any complaints in my whole time here.  
15 Q. Other than the anonymous complaint that we  
16 already talked about, are you aware of anyone else  
17 within the company accusing you of sex discrimination?  
18 A. No.  
19 Q. Other than the -- other than perhaps the  
20 Ethicslink complaint that we already talked about, did  
21 anyone at BlackBerry ever accuse you of retaliating  
22 against you -- let me rephrase that.  
23 So this is a retaliation lawsuit. So other  
24 than this lawsuit, and other than the anonymous  
25 complaint we already talked about, has anyone at



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1 BlackBerry -- anyone else at BlackBerry ever accused you  
2 of retaliation to your knowledge?  
3 MR. LAVOIE: You're talking about distinctly at  
4 BlackBerry, meaning someone who was a BlackBerry  
5 employee at the same time as John Giamatteo and at the  
6 same time as they made the complaint? Or are you  
7 including former employees?  
8 MR. TARTAGLIO: Could be former employees.  
9 MR. LAVOIE: So other than the Ethicslink  
10 complaint, is he aware of anyone --  
11 **THE WITNESS: Accusing me of retaliation?**  
12 BY MR. TARTAGLIO:  
13 Q. Yes.  
14 **A. No, I wasn't aware.**  
15 Q. When you were working at McAfee, did anyone  
16 accuse you of sexual harassment?  
17 **A. No, sir.**  
18 Q. When you worked at McAfee, did anyone accuse  
19 you of sex discrimination?  
20 **A. No, sir.**  
21 Q. When you were at McAfee, did anyone accuse you  
22 of retaliating against them because they had made a  
23 whistleblower report?  
24 **A. No, sir.**  
25 Q. At any -- at any point previous in your career

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1 Chief Elite Customer Success Officer?  
2 **A. I don't recall that, Tony. No.**  
3 Q. Did you ever discuss with Mr. Chen your  
4 feelings about whether Ms. Sandhu should have been made  
5 chief marketing officer?  
6 **A. No.**  
7 Q. Did you ever tell Mr. Chen that you're upset  
8 that Ms. Sandhu had been given the role of chief  
9 marketing officer?  
10 **A. No. Nope, not at all.**  
11 Q. Did you ever discuss with Mr. Chen whether it  
12 might create problems if Ms. Sandhu had been given a  
13 raise?  
14 **A. No.**  
15 Q. Before this lawsuit was filed, did you ever  
16 come to learn that Ms. Sandhu had accused you of not  
17 sending her a press release for her review?  
18 **A. I was not -- no. Was not aware of that until**  
19 **after the complaint surfaced.**  
20 Q. When Ms. Sandhu was on a trip in Africa, did  
21 you make any comments about her responsiveness?  
22 **A. I don't recall. I really don't recall, Tony.**  
23 Q. More specifically, when she was on a trip in  
24 Africa, did you say that she was not being responsive to  
25 checking her emails?

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1 to working at McAfee, has anyone accused you of sexual  
2 harassment?  
3 **A. No, sir.**  
4 Q. And before working at McAfee, did anyone accuse  
5 you of sex discrimination?  
6 **A. No, sir.**  
7 Q. Before McAfee, had anyone accused you of  
8 retaliating against them for making a whistleblowing  
9 complaint?  
10 **A. No, sir.**  
11 Q. Did you -- one second here.  
12 Did you ever speak with John Chen about  
13 Ms. Sandhu's compensation?  
14 **A. No. No, sir.**  
15 Q. Did you ever speak with Mr. Chen about whether  
16 Ms. Sandhu should get a raise?  
17 **A. No. Never.**  
18 Q. Did you ever --  
19 **A. John is not the type that would ever talk about**  
20 **people's compensation of various team members of his**  
21 **direct reports. It's not a conversation that would ever**  
22 **be -- that would ever happen.**  
23 Q. Did you ever talk about -- well, talk with --  
24 communicate with Mr. Chen about whether Ms. Sandhu's job  
25 title should be Chief Elite Customer Officer versus

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1 **A. I honestly don't recall or remember.**  
2 One thing I will say, you know, even though,  
3 you know, we got this whole ordeal. Neelam was, you  
4 know, pretty responsive; she was pretty on, you know,  
5 24/7, so I can't see generally that's something I would  
6 be complaining about. Maybe I did. Maybe I needed to  
7 get some information from her on a particular time, but  
8 in general she was quite responsive.  
9 So if I made a comment like that, it must have  
10 been for whatever, a one-off instance, but I don't  
11 remember.  
12 Q. Do you know who Colleen McMillan is?  
13 **A. I do.**  
14 Q. Do you worked with her at BlackBerry?  
15 **A. Yes, we did work --**  
16 Q. Sorry if I cut you off. You can go ahead and  
17 finish that.  
18 **A. That's okay. Yeah, we worked together at**  
19 **BlackBerry.**  
20 Q. Did you ever work with her at another company?  
21 **A. No.**  
22 Q. Generally, how would you describe your  
23 experience working with Ms. McMillan: positive,  
24 negative, neutral?  
25 **A. Neutral to positive.**



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1 her being responsible for sales enablement training, if  
2 I'm not mistaken. I think that's what her  
3 responsibilities were at the time.  
4 Q. Do you know whether she ended up leaving the  
5 company?  
6 A. Yes, she did. She -- she voluntarily moved on  
7 to another opportunity, to another, I believe, Canadian  
8 company.  
9 Q. Were you ever provided an explanation for why  
10 she left?  
11 A. I really don't remember the specifics.  
12 Vaguely -- you know, she was with the company for a long  
13 time, and I think vaguely was, where is my career  
14 trajectory? You know, where can I go from here? And,  
15 you know, I'm not sure I can continue to grow in  
16 BlackBerry, so she pursued something outside the  
17 company. I thought those were the general circumstances  
18 of her departure.  
19 Q. Do you know whether Ms. Ransom had ever  
20 complained about an activity within BlackBerry that she  
21 found to be disrespectful to women?  
22 A. No. Never was aware of that.  
23 Q. Did you ever hear about an incident in which  
24 someone within the company was giving a presentation,  
25 and in the background there was a picture of women who

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1 THE VIDEOGRAPHER: I'll read us off the record.  
2 This marks the end of Media Number 2. We are now going  
3 off the record. The time is 12:40 p.m.  
4 (Whereupon a recess was taken.)  
5 THE VIDEOGRAPHER: We are now on the record.  
6 The time is 1:14 p.m. This marks the beginning of Media  
7 Number 3 in the deposition of John G. Giamatteo on  
8 August 28, 2025. Please continue.  
9 BY MR. TARTAGLIO:  
10 Q. Do you know who [REDACTED] is?  
11 A. [REDACTED]. I believe [REDACTED]  
12 [REDACTED]  
13 Q. Did you ever come to learn that [REDACTED] had  
14 made a complaint about [REDACTED]  
15 [REDACTED]  
16 A. I don't -- I don't recall, Tony. I don't  
17 recall it. [REDACTED] -- you know, it's funny you mention  
18 [REDACTED] because she's on -- this is our end-of-quarter  
19 time. And the last week of the quarter, all of our team  
20 gets on a call to talk about all the deals and  
21 everything. [REDACTED]  
22 [REDACTED] So a little surprising to me that,  
23 you know, she -- there was a complaint, or she felt like  
24 she was left off something because she, you know, from  
25 my perspective, is pretty engaged in the -- in the

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1 were not fully clothed?  
2 A. No, never heard of that.  
3 Q. Do you know who Mary Slimmon is?  
4 A. No, I'm not familiar with Mary.  
5 Q. If I said that she might have been in HR, does  
6 that refresh your recollection at all?  
7 A. I'm not familiar. It's not somebody I must  
8 have worked with on a regular basis. I don't recall  
9 her.  
10 MR. TARTAGLIO: Now is probably a good time to  
11 take a lunch break.  
12 MR. LAVOIE: Okay. Do we want to keep it kind  
13 of on the shorter side? I guess I kind of -- on  
14 this one I'd probably defer to John. I mean, how much  
15 time would you prefer to take? I would say anywhere  
16 from 20 minutes on the low end to, you know, 30-40  
17 minutes on the high end is kind of customary.  
18 THE WITNESS: Are you guys okay splitting the  
19 difference? 30 minutes?  
20 MR. LAVOIE: Yeah, we can do 30 minutes.  
21 THE WITNESS: 30 minutes sound all right for  
22 you? Perfect.  
23 MR. LAVOIE: We'll see everyone back here --  
24 it's currently 12:40. We'll see everyone back here at  
25 1:10.

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1 business on a day-to-day business -- day-to-day basis.  
2 Q. When you learned that Ms. Sandhu was going to  
3 be terminated from the company, was that before you  
4 became the CEO or after?  
5 A. That was after I was notified that the  
6 investigation was complete and that they were going to  
7 move forward with appointing me as CEO. But it was  
8 before I was announced as CEO, and we still had to  
9 negotiate a comp package and all that. So it was -- I  
10 was kind of notified we were going to move forward, but  
11 it was before it was actually announced.  
12 Q. When John Chen was CEO, do you know if there  
13 was some sort of a succession plan in place to replace  
14 him?  
15 A. I do not.  
16 Q. Do you know whether there was a plan to have  
17 John Chen be replaced by a particular individual before  
18 he left?  
19 MR. LAVOIE: Object to the form of the  
20 question; vague; lacks foundation.  
21 THE WITNESS: Honestly, Tony, I wouldn't have  
22 been privy to that. Whatever conversation John Chen  
23 would have had with the board around succession planning  
24 and who his successor would be, that's not something I  
25 was privy to.





<p style="text-align: right;">Page 138</p> <p>1 BY MR. TARTAGLIO:</p> <p>2 Q. Were you -- or it could be your attorneys;</p> <p>3 could be through your attorney. Were you and/or your</p> <p>4 attorney negotiating with BlackBerry about a CEO</p> <p>5 agreement while the investigation against you from</p> <p>6 Morrison Foerster was still pending?</p> <p>7 A. No. No. That, I remember because I was asking</p> <p>8 them about what's the process and the status and</p> <p>9 shouldn't we talk about the comp plan. And the answer</p> <p>10 was continually, Let's just wait until we get through</p> <p>11 the investigation, and when the investigation is</p> <p>12 complete, then we'll engage with you on a comp, you</p> <p>13 know, discussion. So that was my understanding of</p> <p>14 how -- the chronology of it.</p> <p>15 Q. Did negotiations of your compensation occur</p> <p>16 while the Morrison Foerster investigation was still</p> <p>17 pending?</p> <p>18 A. No.</p> <p>19 Q. Does BlackBerry make any efforts to provide a</p> <p>20 welcoming and inclusive workplace for its female</p> <p>21 employees?</p> <p>22 A. Yeah, of course we do. They're -- we try to</p> <p>23 keep it a welcoming environment for everybody, not just</p> <p>24 for female employees but for all employees -- all new</p> <p>25 employees.</p>	<p style="text-align: right;">Page 139</p> <p>1 Q. What, if anything, does BlackBerry to try to</p> <p>2 provide an inclusive environment for women in</p> <p>3 particular?</p> <p>4 A. I guess I could speak to, Tony, what I've</p> <p>5 implemented over the course of the last, you know,</p> <p>6 18 months where we -- you know, we've implemented a very</p> <p>7 formal succession-planning process, we've implemented a</p> <p>8 talent -- you know, high potential talent process as</p> <p>9 part of that. We -- as part of that, we have a filter</p> <p>10 on, you know, DEI and, you know, diversity. So we talk</p> <p>11 about our high potentials and our talent pool, how many</p> <p>12 of them are women, how many are, you know, people of</p> <p>13 color, what kind of opportunities can we create for</p> <p>14 them.</p> <p>15 So in my, you know, almost two years with the</p> <p>16 company, we had an offsite retreat where we talk about</p> <p>17 these topics, about talent management, about succession</p> <p>18 planning. And as part of that agenda, is how do we</p> <p>19 improve upon our overall diversity, you know, metrics,</p> <p>20 and, you know, improving that as part of what we do as a</p> <p>21 company.</p> <p>22 Q. Some companies, they have an individual within</p> <p>23 the company whose job is dedicated to diversity and</p> <p>24 inclusion type efforts. Sometimes officer -- diversity</p> <p>25 officer, inclusion, chief diversity officer, et cetera.</p>
<p style="text-align: right;">Page 140</p> <p>1 Does BlackBerry have anyone within the company whose job</p> <p>2 is devoted to diversity and inclusion?</p> <p>3 A. No, we don't -- I mean, honestly, you know,</p> <p>4 we're a 1,700-person company. I don't think we have the</p> <p>5 luxury of having -- you know, if you're 50,000-person</p> <p>6 company, 100,000-person company, they probably have the</p> <p>7 office of diversity and inclusion and they have a staff.</p> <p>8 I think a company like ours, the more natural place for</p> <p>9 that is our HR. Jenny Armstrong-Owen is our chief</p> <p>10 people officer who kind of, you know, leads the charge</p> <p>11 there. And we as the leadership and the management team</p> <p>12 lean in with her to implement strategies to improve on</p> <p>13 our overall diversity initiatives.</p> <p>14 Q. Is the primary obstacle to not having a DEI</p> <p>15 officer a lack of funding?</p> <p>16 A. No, I just think it's better placed being part</p> <p>17 of the leader of the people. Our chief people officer</p> <p>18 has enough bandwidth to, you know, be responsible for</p> <p>19 that as an initiative without having to hire somebody</p> <p>20 dedicated for, you know, a 1,700-person company.</p> <p>21 Q. I will represent to you that over the course of</p> <p>22 the lawsuit, we have found some sex discrimination</p> <p>23 complaints that were made within the last couple of</p> <p>24 years against BlackBerry.</p> <p>25 Do you know whether BlackBerry has taken any</p>	<p style="text-align: right;">Page 141</p> <p>1 measures to improve some of the conditions that were</p> <p>2 described in some of these complaints?</p> <p>3 MR. LAVOIE: You know, Tony, I don't -- I think</p> <p>4 the commentary -- like, if you have a complaint, you</p> <p>5 should put it in front of him. Just saying complaints,</p> <p>6 do you mean, like, lawsuits? Do you mean that in the</p> <p>7 term of lawsuits? Do you mean anonymous Ethicslink</p> <p>8 complaints? Do you mean people making allegations in</p> <p>9 the context of severance negotiations with the company?</p> <p>10 I don't think it's -- if you're going to give a</p> <p>11 commentary and just, like, assume a factual foundation,</p> <p>12 I think you're going have be specific. If not, put a</p> <p>13 document in front of him.</p> <p>14 MR. TARTAGLIO: I'm fine with the question as</p> <p>15 is. And we can have it re-read if you would like that,</p> <p>16 sir.</p> <p>17 MR. LAVOIE: Well, if you're going to stick</p> <p>18 with the question as is, then I'm going to object to the</p> <p>19 form of the question; it calls for speculation; it lacks</p> <p>20 foundation; it's vague and ambiguous. Those are my</p> <p>21 objections.</p> <p>22 BY MR. TARTAGLIO:</p> <p>23 Q. Would you like the question re-read out?</p> <p>24 A. Yeah, Tony, can you please repeat it or</p> <p>25 Cambria?</p>





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1 MR. TARTAGLIO: Could the court reporter please  
2 read that out?  
3 (Record read as follows: Question: I  
4 will represent to you that over the course  
5 of the lawsuit, we have found some sex  
6 discrimination complaints that were made  
7 within the last couple of years against  
8 BlackBerry.  
9 Do you know whether BlackBerry has taken  
10 any measures to improve some of the  
11 conditions that were described in some of  
12 these complaints?)  
13 MR. LAVOIE: I'll object. It's vague and  
14 ambiguous; object to the form of the question; lacks  
15 foundation; calls for speculation.  
16 THE WITNESS: I guess my comment on it, Tony,  
17 would be, you know, as a person who, you know, came in  
18 as a CEO almost two years ago, what I've tried to do to  
19 really, you know, make the company a safe, fun,  
20 rewarding place to work, to be at, is tone from the top:  
21 Treat everybody with respect, be open and transparent,  
22 and kind of really set that tone from my level.  
23 It's not, to my knowledge, in my time with the  
24 company, since I became CEO, I'm actually not aware --  
25 maybe there are -- but I'm not aware of any sex

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1 A. There is. There is.  
2 Q. Please describe your understanding of that  
3 process.  
4 A. We have our ethics hotline, we have our HR  
5 teams that are plugged into all the business units and  
6 the operating units. And, you know, if there are  
7 complaints that come up, we have a team that looks at  
8 them. And depending on severity of it, you know, things  
9 will -- whether or not it gets, you know, raised to my  
10 attention or not. But I have a standing meeting with  
11 our chief people officer every week, and if there are  
12 employee complaints that rise to the level of something  
13 that should be on my radar on -- you know, on my plate,  
14 she would bring it up to me.  
15 So those are kind of the different mechanisms  
16 that we solicit feedback throughout the organization.  
17 Q. I think you said something to the effect of  
18 that BlackBerry has had some good results under your  
19 tenure as CEO for -- well, actually, I shouldn't assume  
20 that.  
21 So do you think BlackBerry has had good results  
22 under your tenure of recruiting and retaining female  
23 employees?  
24 MR. LAVOIE: Tony, I'm just going to ask:  
25 Ms. Sandhu never worked at the company while

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1 discrimination claims that have come on board in the  
2 almost two years that I've been with the company.  
3 So what I've tried to do specifically is set  
4 the right tone, lead from the top, ask my leaders and  
5 managers to do the same. And I think, as a result,  
6 going to be honest, we're seeing really good results.  
7 We're seeing -- like, we do employee surveys now, we get  
8 feedback, and people talk about how they're feeling  
9 about the company and how they're treated and the  
10 environment. And those are the things I've tried to do  
11 as a new CEO to set a different tone, and I think we're  
12 making progress.  
13 BY MR. TARTAGLIO:  
14 Q. Do you have regular communications with HR in  
15 which you talk about complaints that have been made  
16 against the company?  
17 MR. LAVOIE: Object to the form of the  
18 question; vague and ambiguous as to the word  
19 "complaints."  
20 THE WITNESS: What kind of complaints, Tony,  
21 are you referring -- any complaint? Or what? A sexual  
22 discrimination complaint in particular?  
23 BY MR. TARTAGLIO:  
24 Q. Is there a process in place for elevating HR  
25 complaints to your attention?

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1 Mr. Giamatteo was CEO. So I don't understand. Like,  
2 what is the relevance basis for asking about the  
3 present-day operations of the company? It doesn't go to  
4 whether Ms. Sandhu was discriminated against, it doesn't  
5 go to retaliation, it doesn't go to a failure to prevent  
6 harassment or discrimination because none of what you're  
7 asking about occurred while Ms. Sandhu was at the  
8 company.  
9 So, you know, your attorney -- like, your  
10 colleague instructed Ms. Sandhu -- improperly by the  
11 way -- not to answer questions about her time at  
12 Vaughnage. And so right now what you're doing is you're  
13 asking Mr. Giamatteo to talk about things that happened  
14 at the company since he's been CEO in this regard,  
15 things that couldn't definitionally affected Ms. Sandhu  
16 at all.  
17 So I don't understand the relevance of this  
18 line of inquiry, and given the repeated intent at, you  
19 know, proposing any sort of confidentiality over  
20 testimony or documents, I have some concern about  
21 eliciting testimony about present-day operations of the  
22 company that are not relevant to the case and that  
23 plaintiff is going to allege, you know, should become  
24 public information. What is the relevance of whatever  
25 has happened since he has become CEO? Ms. Sandhu didn't



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1 Q. And other than that, the text message  
2 communications, which you provided to your lawyers with  
3 Mr. Foote, can you recall any other communications with  
4 Mr. Foote in which you talked about or communicated  
5 about whether it was Ms. Sandhu who had filed a  
6 complaint against you?

7 A. No, I can't think of it. Like I said, Tony, it  
8 was like, you know, this -- this bomb got dropped at  
9 this -- about this ethics complaint that came. We all  
10 kind of speculated in the moment where it came from or  
11 who it would have come from, et cetera.

12 Again, specifically, I think a lot of times we  
13 alluded to Neelam because it was really ironic that  
14 24 hours after her finding out from John Chen that he  
15 was going to leave and they were going to appoint me,  
16 suddenly an ethics complaint came over literally within  
17 24 hours of her finding out.

18 So I think at the time we all -- I think it was  
19 human nature, we speculated, oh, my gosh is it, you  
20 know? But after the bomb got dropped and after we did  
21 our 24 hours of speculation, I think very quickly we  
22 moved towards, let's do the investigation. We got to,  
23 you know, make sure that, you know, we go through that  
24 process to, you know, get to the right answer.

25 Q. Other than Mr. Foote, do you remember

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1 that we were trying to undermine her role or suggest to  
2 people that her role was going to go away, and he did  
3 his investigation.

4 And when he called me -- you know, literally  
5 very infrequent times that I would talk -- I could see  
6 somewhere in the call maybe with him saying, you know,  
7 Hang in there; keep your head down; just focus on the  
8 business. Don't let any -- you know, kind of just like  
9 encouraging, you know, kind of feedback to, you know,  
10 don't let this distract you. You know, focus on the  
11 business, focus on doing the right thing for the  
12 company.

13 I kind of vaguely remember maybe some words of  
14 encouragement around that, but it wasn't like, you know,  
15 I spoke to Rich Curiale, you know, once a month for  
16 career advice and coaching. You know, it was kind of an  
17 offhand thing on the back end of a conversation that I  
18 had with him on another topic.

19 Q. I'll represent to you that Mr. Curiale did an  
20 investigation about some allegations made by Sarah  
21 Tatsis, and he wrote a report about that. Have you ever  
22 seen that report?

23 A. No, not at all.

24 Q. Has Mr. Curiale -- and this is going up to the  
25 present day. Has Mr. Curiale ever spoken with you about

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1 specifically any other people who speculated about who  
2 had filed that complaint against you?

3 A. No, this was very closely kept. It was not  
4 something that was widely talked about. I can't think  
5 of other people that I would have engaged with in this.

6 Q. And I ask that because it sounds like after the  
7 complaint filed or was submitted, that there was some  
8 chatter, gossip about who may have filed it. So are you  
9 aware of anyone else speculating about who might have  
10 filed it?

11 A. I'm not.

12 Q. Who is Rich Curiale?

13 A. Rich Curiale is an outside attorney that did a  
14 lot of work for, you know, John Chen and Nita, worked  
15 directly with them at that level.

16 Q. I'll represent to you that at least for one  
17 person, Mr. Curiale has given some executive  
18 mentoring-type advice that's not strictly legal in  
19 nature. Did Mr. Curiale ever give you any sort of  
20 mentoring or coaching -- executive mentoring or  
21 coaching?

22 A. I don't recall, Tony, honestly. I spoke to him  
23 very infrequently. I could see him maybe -- that  
24 complaint that we talked about earlier where he called  
25 about -- I think it was a complaint that Neelam made

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1 some ways that BlackBerry could become a more inclusive  
2 workplace for women?

3 A. No, not that I recall, Tony.

4 Q. We've spoken about this a little bit, but I  
5 want to go into a little more detail about the strategy  
6 around the time Mr. Lynch was interim CEO of splitting  
7 up the business units within BlackBerry. Okay? And  
8 you're nodding your head, so it sounds like you know  
9 what I'm talking about.

10 Initially what was the plan for splitting up  
11 the business units in that way?

12 MR. LAVOIE: Object to the form of the  
13 question; vague. Are you talking project Imperium  
14 versus something else? I just think we may not be on  
15 the same page.

16 BY MR. TARTAGLIO:

17 Q. Well, do you know what I'm referring to there,  
18 Mr. Giamatteo?

19 A. I'm happy to answer, Tony. I just want a  
20 little bit of clarity.

21 When Mr. Lynch came in and really implemented,  
22 and he started the implementation. Just -- we called it  
23 "Project Mustard." Project Mustard was the splitting of  
24 the two divisions and creating two, and he would -- you  
25 know, we talked about it this way: Two virtually



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1 autonomous business units that would operate, you know,  
2 almost independent of one another with a really thin  
3 corporate layer at the top. Much, much thinner now than  
4 it ever was.

5 So that was the strategy that Mr. Lynch came in  
6 and articulated and implemented. So if that's what  
7 you're referring to, yeah, I'm familiar with that.

8 MR. TARTAGLIO: Okay. And I'll put a document  
9 in chat. This will be Exhibit 2, just to make sure  
10 we're all on the same page.

11 (Whereupon, Exhibit 2 was marked for  
12 identification.)

13 BY MR. TARTAGLIO:

14 Q. Let me know when you're able to access this  
15 exhibit.

16 A. Just a second. Yeah, I've got it in front of  
17 me now, Tony.

18 Q. And I'll share my screen. It might just make  
19 things go faster.

20 So Exhibit 2 appears to be a Form 10-Q;  
21 correct?

22 A. Yep.

23 Q. And that's something that certain corporations  
24 are required to file with the SEC?

25 A. Correct.

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1 business. Do you see that?

2 A. Yes.

3 Q. What is a subsidiary initial public offering in  
4 this context?

5 A. Subsidiary IPO in this context is where you --  
6 IPO, you sell shares into that division, but the parent  
7 company, or BlackBerry, maintains the majority of it.

8 So maybe we would sell 20 percent of it or 30  
9 percent of the company, and so we'd IPO 30 percent of  
10 the shares and 70 percent of it would maintain -- would  
11 stay within BlackBerry's ownership. That's my  
12 understanding of subsidiary IPO.

13 Q. And I think you used the phrase "Project  
14 Mustard." Is this Project Mustard?

15 A. No, that's not project -- this is on December  
16 11th, the company announced that it has reassessed the  
17 strategy and will no longer pursue a sub IPO but intends  
18 to pursue a full separation of the IOT and cybersecurity  
19 businesses, including the separation and streamlining of  
20 the company's centralized corporate functions into --  
21 that, from December 11, 2023, onward, that's Project  
22 Mustard.

23 Q. Okay. So Project Mustard would be, not the sub  
24 IPO strategy, but the other strategy you mentioned in  
25 this paragraph that was announced on December 11?

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1 Q. I'm going to go now to page -- oh, I guess,  
2 just to be for the sake of completeness, are you able to  
3 determine when this 10-Q form was filed approximately?

4 A. I'm looking for a date on it.

5 Q. Yeah, you can look at your screen because I'm  
6 not sure exactly where -- oh, actually. Okay.

7 Do you see what I'm highlighting?

8 A. This is November 30, 2023. So this is -- okay.  
9 For the quarterly period ended November 20, 2023. Got  
10 it.

11 Q. And I'm going to go to page 35 now. And  
12 there's a paragraph here that I'll ask you to read. Of  
13 course, you can read whatever other parts you want, but  
14 this is a pretty long document, so take whatever time  
15 you need to read this or the surrounding material.

16 MR. LAVOIE: So I think you might be better off  
17 looking at the Zoom because Tony had highlighted the  
18 part. Can you zoom in a little bit, Tony?

19 MR. TARTAGLIO: Better?

20 THE WITNESS: Yeah, got it. Yep, I'm familiar  
21 with it.

22 (Sotto voce reading.)

23 BY MR. TARTAGLIO:

24 Q. There's some discussion here about a subsidiary  
25 initial public offering for the Internet of Things

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1 A. Correct.

2 Q. And so it appears that at some point between  
3 October 4, 2023, and December 11, 2023, there was a  
4 pivot and strategy. Is that accurate?

5 A. Correct. Just so you know, that's not  
6 something I was a party to. That was a board discussion  
7 that -- during that time from, you know, October 4th up  
8 to the decide -- the board decided to pull back. I  
9 wasn't part of the board or privy to any of those  
10 discussions.

11 Q. And according to this SEC report, the company  
12 announced the change in strategy on December 11, 2023.  
13 So that appears to be the date that it was announced,  
14 but do you know if the date was -- or if the decision  
15 was made on December 11th versus some earlier date?

16 A. Yeah, no. I definitely think the decision to,  
17 you know, start the execution and the implementation of  
18 that, you know, started when Dick assumed the acting CEO  
19 role. That was certainly something he wanted to have  
20 his thumbprint on; he felt strongly about the direction  
21 of the company. So that started in early, you know --  
22 early November time frame. Then, I guess, you know,  
23 this was announced as part of the 10-Qs, you know,  
24 subsequently.

25 Q. And do you know approximately -- which date



unit in an independently operated profitable and cash-flow positive division.

We started reporting last year all the way down to, you know, earnings before interest, you know, complete pro forma P and L for both of those divisions, which is something we never did before. It was always just at the corporate level.

And all the work that we did on separating and centralizing and streamlining the cost structure of the corporate team and embedding it into the business units, all that of work manifested itself in having complete end-to-end financials, soup-to-nuts, revenue-to-earnings on each of the business units.

And I'll give you little more color because I think it's important. The reason why we did that is -- I think you were asking questions -- some investors were -- they were confused. Like, how profitable is the QNX business versus how profitable is the secure coms business? We never reported it that way. We just reported it as one big BlackBerry. So by giving them this kind of transparency by division, investors have a more informed view of, you know, what they might want to invest in and how much because they have a clearer view of the health of those two underlying businesses.

So I know that's a lot, but, hopefully, that

[illegible]

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1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 MR. TARTAGLIO: I'm going to introduce another  
23 exhibit. And this one will be Exhibit 3. There's no  
24 Bates number, but I will represent to you that I printed  
25 this out from the BlackBerry website this week.

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1 accurate.  
2 Q. And it's straight from the website. You can go  
3 to the website if you'd like.  
4 So I'll walk through Exhibit 3 now, and we see  
5 at the top is yourself as the chief executive officer;  
6 correct?  
7 A. Correct.  
8 Q. And do you make decisions that cover both QNX  
9 and the cybersecurity business units?  
10 A. Yes.  
11 Q. And then below you, you have Jennifer  
12 Armstrong-Owen, chief people officer; correct?  
13 A. Correct. She does both, as I articulated  
14 earlier, you know, kind of manages the secure  
15 communications division. She's the head of the HR for  
16 the secure communication as well as kind of the leader  
17 and advisor in that thin corporate layer, so she has  
18 kind of, you know, a dual set of responsibilities.  
19 Q. Is there someone else who is in charge of HR  
20 for QNX?  
21 A. Yes, there is.  
22 Q. Who is that?  
23 THE WITNESS: Should I say her name?  
24 MR. LAVOIE: Oh, of course.  
25 THE WITNESS: Jen Branhill.

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1 (Whereupon, Exhibit 3 was marked for  
2 identification.)  
3 BY MR. TARTAGLIO:  
4 Q. Let me know when you're ready to discuss  
5 Exhibit 3.  
6 A. Are you sharing it? Are you displaying it,  
7 Tony, or should I be pulling it up separately?  
8 Q. I am not sharing it?  
9 A. I've opened the document. This is Exhibit 3;  
10 right?  
11 Q. Yes.  
12 A. Okay. I've got that.  
13 MR. TARTAGLIO: Before I forget, I will put my  
14 beautiful artwork into the record as Exhibit 4.  
15 (Whereupon, Exhibit 4 was marked for  
16 identification.)  
17 BY MR. TARTAGLIO:  
18 Q. And so Exhibit Number 3 is -- well, what is  
19 Exhibit Number 3, if you recognize it?  
20 A. This looks like the leadership profile of --  
21 that's on the website.  
22 Q. Does -- do the leadership profiles on Exhibit 3  
23 correspond to that thin corporate layer that we  
24 discussed in Exhibit 4, the paint drawings?  
25 A. Let me just -- yeah, this looks pretty

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1 BY MR. TARTAGLIO:  
2 Q. And we see John -- I'll put this in the chat  
3 for our court reporter Dimitropoulos -- apologies to him  
4 for the pronunciation.  
5 A. That wasn't too bad, Tony.  
6 Q. His role appears to be senior vice-president  
7 and strategy officer?  
8 A. Correct.  
9 Q. What -- what generally does he do for the  
10 company, pardon my ignorance?  
11 A. Yeah, exactly that. He helps on strategy,  
12 business development. If we were to, you know, buy a  
13 company or buy a technology or divest. You know, for  
14 instance, John was the leader -- he led the initiative  
15 to divest our Cylance division when we sold it in the  
16 last year. So those are the kinds of things that he  
17 does for the company.  
18 Q. Does Mr. Dimitropoulos work within one  
19 particular business unit, or does he provide advice that  
20 touches on the company as a whole?  
21 A. Yeah, company as a whole.  
22 Q. And then we have Mattias Eriksson. It looks  
23 like he's the president of QNX; correct?  
24 A. Correct.  
25 Q. So presumably most of his work involves just





<p style="text-align: right;">Page 182</p> <p>1 the QNX division?</p> <p>2 <b>A. Yeah. Yeah, Mattias is solely focused on the</b></p> <p>3 <b>QNX division.</b></p> <p>4 Q. And then we have Tim Foote as chief financial</p> <p>5 officer. And so does Mr. Foote operate just within a</p> <p>6 business unit, or does his work encompass all the</p> <p>7 business units?</p> <p>8 <b>A. He does -- Tim does, you know, at the company</b></p> <p>9 <b>level -- company level financials as the CFO and he also</b></p> <p>10 <b>provides leadership, similar to like Jenny, to the</b></p> <p>11 <b>secure communications division as well. He's the senior</b></p> <p>12 <b>finance leader for that division as well.</b></p> <p>13 Q. Does QNX have its own senior finance division</p> <p>14 leader?</p> <p>15 <b>A. Yes.</b></p> <p>16 Q. Who is that person?</p> <p>17 <b>A. Ken Murphy.</b></p> <p>18 Q. And then we have Jesse Harold. I'll spell that</p> <p>19 for the court reporter. And Mr. Harold's role is senior</p> <p>20 vice-president chief information officer and chief</p> <p>21 information security officer; correct?</p> <p>22 <b>A. Correct.</b></p> <p>23 Q. And does Mr. Harold focuses his work on just</p> <p>24 one business unit, or does his work encompass all of</p> <p>25 them?</p>	<p style="text-align: right;">Page 183</p> <p>1 <b>A. His work encompasses all of them.</b></p> <p>2 Q. And then near the bottom, we have Mr. Kurtz,</p> <p>3 who is chief legal officer and corporate secretary;</p> <p>4 correct?</p> <p>5 <b>A. Correct.</b></p> <p>6 Q. And is his work limited to one particular</p> <p>7 business unit, or does he provide more company-wide</p> <p>8 services?</p> <p>9 <b>A. He's corporate and corporate secretary, so he's</b></p> <p>10 <b>at that thin corporate layer.</b></p> <p>11 MR. TARTAGLIO: Okay. I think now is a good</p> <p>12 time for a break.</p> <p>13 <b>THE WITNESS: Okay.</b></p> <p>14 MR. LAVOIE: Five minutes.</p> <p>15 MR. TARTAGLIO: Let's go ahead and go off the</p> <p>16 record unless people are begging for more corporate</p> <p>17 roles.</p> <p>18 THE VIDEOGRAPHER: This marks the end of Media</p> <p>19 Number 3.</p> <p>20 We are now going off the record. The time is</p> <p>21 2:31 p.m.</p> <p>22 (Whereupon a recess was taken.)</p> <p>23 (Whereupon, Exhibit 5 was marked for</p> <p>24 identification.)</p> <p>25 THE VIDEOGRAPHER: We are now going on the</p>
<p style="text-align: right;">Page 184</p> <p>1 record. The time is 2:26 p.m. this marks the beginning</p> <p>2 of Media Number 4 in the deposition of John Giamatteo on</p> <p>3 August 28, 2025.</p> <p>4 BY MR. TARTAGLIO:</p> <p>5 Q. All right. I put Exhibit 5 into the chat. I</p> <p>6 think this will go faster if I share my screen, but</p> <p>7 you're welcome to review your copy that you have on your</p> <p>8 computer over there.</p> <p>9 Let me -- okay. And so Exhibit 5, do you</p> <p>10 recognize this document?</p> <p>11 <b>A. Yeah, it's not -- yes, I recognize it.</b></p> <p>12 Q. And this is the BlackBerry Code of Business</p> <p>13 Standards and Principles?</p> <p>14 <b>A. Yes.</b></p> <p>15 Q. Okay. And is this a collection of corporate</p> <p>16 policies for BlackBerry?</p> <p>17 <b>A. Correct. What's the timing of this one? Is</b></p> <p>18 <b>this something -- a current one that you took off the</b></p> <p>19 <b>website, or is this an older one?</b></p> <p>20 Q. Appears to be a little bit older.</p> <p>21 <b>A. Yeah, okay. So I may not be as familiar with</b></p> <p>22 <b>it, but okay.</b></p> <p>23 Q. And we're going to page 13 now, and I'm going</p> <p>24 to -- of course, you can read other parts if you want,</p> <p>25 but I'm going to highlight the parts that I'm interested</p>	<p style="text-align: right;">Page 185</p> <p>1 in, then I'll ask you some questions about them.</p> <p>2 Do you see I have a paragraph highlighted here</p> <p>3 about retaliation is not tolerated?</p> <p>4 <b>A. Correct; I see it, yep.</b></p> <p>5 Q. Do you agree that retaliating against anyone</p> <p>6 who makes a good-faith report of suspected unethical or</p> <p>7 illegal conduct is a violation of the business standards</p> <p>8 and policy and will not be tolerated by BlackBerry?</p> <p>9 <b>A. Yes, I absolutely agree.</b></p> <p>10 Q. Do you think it's important that a corporation</p> <p>11 not retaliate against good-faith whistleblowers?</p> <p>12 <b>A. Yes. Good-faith whistleblowers, yep.</b></p> <p>13 Q. And you placed some emphasis on the phrase</p> <p>14 "good-faith" in your answer. Is that a particular</p> <p>15 reason for that?</p> <p>16 <b>A. No, I was just reiterating your description of</b></p> <p>17 <b>it.</b></p> <p>18 Q. Why is important for BlackBerry not to</p> <p>19 retaliate against good-faith whistleblowers?</p> <p>20 <b>A. It protects the company, it protects people,</b></p> <p>21 <b>and keeps a professional environment. So that's, you</b></p> <p>22 <b>know, a standard practice with any major corporation,</b></p> <p>23 <b>and I'm glad this is something that we abide by as well.</b></p> <p>24 Q. And if we scroll down to page 14, there's a</p> <p>25 paragraph that -- here that says "confidentiality." Why</p>





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1 (Whereupon, Exhibit 14 was marked for  
2 identification.)  
3 BY MR. TARTAGLIO:  
4 Q. Let me know when you're ready to discuss this  
5 one.  
6 A. Yeah, I am familiar with this one, Tony. Yep.  
7 Q. So sounds like this document helps -- well,  
8 sounds like you remember what this document is talking  
9 about; correct?  
10 A. Correct.  
11 Q. And is this the same discussion that we had  
12 earlier about getting email from Neelam about the  
13 presentation you gave where she emailed you afterwards?  
14 A. Correct.  
15 Q. And she's saying:  
16 I'm looking to understand which G7  
17 government you were referring to.  
18 Do you remember which -- well, before I ask  
19 that, what does "G7" mean?  
20 A. Top seven governments, G7. So one of the top  
21 global governments around the world.  
22 Q. Do you remember which G7 government was  
23 discussed, if it was discussed, at this Analyst Day  
24 meeting?  
25 A. Yeah, no. We did not disclose the name of the

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1 this is an Analyst Day, so we were on stage presenting  
2 publicly to hundreds of investors. We had some people  
3 in the room, if I'm not mistaken. So it was kind of our  
4 main investor day presentation.  
5 Q. And when presenting information to investors,  
6 it's important that that information be accurate;  
7 correct?  
8 A. Correct.  
9 Q. Because if a company releases information to  
10 investors that's not accurate, that might cause some  
11 problems for the company down the line; correct?  
12 A. Correct.  
13 Q. Did Ms. Sandhu ever tell you -- ever express to  
14 you she was trying to confirm that the information  
15 provided to investors was accurate?  
16 A. No, she did not.  
17 MR. TARTAGLIO: Let's look now at Exhibit 15.  
18 And this is produced at Bates 20049, Exhibit 15.  
19 (Whereupon, Exhibit 15 was marked for  
20 identification.)  
21 BY MR. TARTAGLIO:  
22 Q. Go ahead and read it. Let me know when you're  
23 done.  
24 A. Okay.  
25 Q. Okay. And this email chain -- well, who is

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1 government. We just made reference to it as, you know,  
2 we expanded our relationship with one of the G7  
3 governments.  
4 Q. And did that, in fact, happen that there was a  
5 deal with a G7 government that closed?  
6 A. Yes.  
7 Q. And Ms. Sandhu was asking about which  
8 government it was; correct?  
9 A. Correct.  
10 Q. Did she ever -- I know we have just this email  
11 chain in front of us, but beyond this email chain, did  
12 she ever communicate with you about why she was asking  
13 about this G7 government deal?  
14 A. Well, I don't know -- I don't recall, Tony, if  
15 this email was the extent of it or whether, you know, we  
16 had a BBM communication back and forth on it, but I  
17 definitely -- you know, I definitely interpreted this as  
18 when somebody writes you an email and says: At the  
19 38-minute, 38-second part of your presentation, you  
20 mentioned this, you know, I definitely felt she was  
21 making some kind of accusation that I didn't understand.  
22 So I was a little confused by it.  
23 Q. This email chain concerns a call with  
24 investment analysts; correct?  
25 A. This -- not just a call. This is investor --

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1 Jenifer Vannoni?  
2 A. Yeah, Jen was -- is my assistant.  
3 Q. And you asked Ms. Vannoni to remove Neelam from  
4 in invitation; correct?  
5 A. Yeah. Well, yeah, I was responding to Jen.  
6 Jen was, you know, cleaning up our meetings, looking at  
7 the schedule, and wanted my input on these four items.  
8 Q. Do you remember what meeting was being referred  
9 to here at this meeting that Ms. Sandhu was removed  
10 from?  
11 A. I'm pretty sure that would have been the staff  
12 call, the weekly staff call, Tony.  
13 Q. And so here in this email, you're asking  
14 Ms. Vannoni to remove Ms. Sandhu from the weekly staff  
15 call; is that correct?  
16 A. So, yeah. So this -- so Neelam is on the --  
17 was on the staff call invites from December of 2021,  
18 and, you know, this now is -- we're into September of  
19 2023. So she was on for that entire period of time, and  
20 very few times, if ever -- maybe once or -- maybe two or  
21 three times over the course of like, almost, you know, a  
22 year and a half or two years. So I thought, clearly,  
23 this is not a meeting that she finds useful or doesn't  
24 participate in, so there's no need in continuing to keep  
25 her on the invite list.



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1 Q. Did you speak -- strike that.  
2 Did you communicate with Ms. Sandhu about  
3 removing her from the invitation?  
4 **A. No. I don't recall. I don't recall speaking**  
5 **to her about it.**  
6 Q. Do you know whether Ms. Vannoni communicated  
7 with Ms. Sandhu about removing her from the invitation?  
8 **A. I don't, Tony.**  
9 MR. TARTAGLIO: Give me one second here. We're  
10 on 16 now? Okay. So this will be 16 -- sorry. One  
11 second.  
12 I'll share this. So this is series of emails  
13 that start at page 16949 and go to 16950.  
14 (Whereupon, Exhibit 16 was marked for  
15 identification.)  
16 BY MR. TARTAGLIO:  
17 Q. Go ahead and -- go ahead read this one.  
18 **A. Okay.**  
19 Q. And so this is an email from yourself to some  
20 of the Morrison Foerster lawyers and Phil Kurtz;  
21 correct?  
22 **A. Correct.**  
23 Q. And you -- you say here:  
24 While we have not made as much progress as I  
25 would like during my time at BlackBerry, it

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1 Q. Then you refer to:  
2 With more reductions coming in November.  
3 What were those more reductions coming in  
4 November that you were referring to?  
5 **A. Yeah, we were planning for another set of**  
6 **reduction in force activity in November inside the cyber**  
7 **division.**  
8 Q. And so this more reductions coming November,  
9 that's referring to layoffs within the cyber business  
10 unit specifically?  
11 **A. Correct.**  
12 MR. TARTAGLIO: All right, 17. And I will also  
13 share the screen. So Exhibit 17 was produced at page  
14 16328.  
15 (Whereupon, Exhibit 17 was marked for  
16 identification.)  
17 BY MR. TARTAGLIO:  
18 Q. Let me know when you're done reading this one.  
19 **A. Okay. I'm familiar with this now.**  
20 Q. And so here, Mike Daniels is discussing a  
21 conversation he had with you; correct?  
22 **A. Correct.**  
23 Q. Do you know what he means by: PR would be John  
24 Chen retiring?  
25 **A. I think he's referring to the -- you know, the**

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1 remains a priority and something I have had  
2 success with previously.  
3 What were you referring to there?  
4 **A. Diversity.**  
5 Q. And when you said, We have not made as much  
6 progress as I would like during my time at BlackBerry,  
7 what were you basing that on?  
8 **A. We'd like to have a more diverse workforce and**  
9 **continually improve on our overall diversity on the**  
10 **team. So that's what I was referring to. Acknowledging**  
11 **it has been a difficult task because, while we're trying**  
12 **to improve our diversity at the same time we're reducing**  
13 **the staff pretty dramatically.**  
14 So sometimes that's a hard challenge to make  
15 when you're not really looking to hire, we were in  
16 cost-cutting mode to, you know, try to get the business  
17 in a better place, so I think that made the goal of  
18 trying to improve our diversity that much more  
19 difficult.  
20 Q. And the last sentence here says:  
21 Overall we've reduced over 200 people and 67  
22 million of opex.  
23 What is opex?  
24 **A. That's operating expense, Tony, and this is**  
25 **attributable to the cyber business unit solely.**

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1 **PR, the press release, the information that we would**  
2 **release to the market, would be that John Chen is**  
3 **retiring and that Dick Lynch is going to be chairman and**  
4 **interim CEO.**  
5 Q. And then Mr. Daniels writes:  
6 Had to go through a process that would take  
7 a bit of time.  
8 Do you know what he's referring to there?  
9 MR. LAVOIE: Object. Objection. Lacks  
10 foundation; calls for speculation. He didn't write  
11 this; didn't receive this.  
12 BY MR. TARTAGLIO:  
13 Q. Let me put it this way: Did Mr. Daniels  
14 discuss with you a process that might take a bit of  
15 time?  
16 **A. Yes, he did. In light of the ethics complaint**  
17 **that came in, he indicated that we had to go through an**  
18 **investigative process and that was going to take some**  
19 **time.**  
20 Q. Sometimes when witnesses see a document, it  
21 will refresh their recollection as to something they  
22 didn't remember before. Does viewing this email refresh  
23 your recollection as to any other details of this phone  
24 call that we did not discuss earlier?  
25 **A. No. No, this is -- this is pretty**



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1 August 12th of last year.

2 **A. Okay.**

3 Q. And so these are interrogatories responses that

4 were provided by BlackBerry. Are you familiar with what

5 an "interrogatory" is?

6 **A. I think an explanation would be great, Tony, be**

7 **helpful.**

8 Q. Sure. That's a written question in the lawsuit

9 process where a party has to respond in writing and then

10 have those responses verified under oath. So it's kind

11 of like what we're doing today, but in writing.

12 **A. Okay.**

13 MR. LAVOIE: These are FROG responses that we,

14 BlackBerry, have written and given to you, Tony. Is

15 that what you're saying?

16 MR. TARTAGLIO: Yes.

17 BY MR. TARTAGLIO:

18 Q. Okay. So let's look at Interrogatory 5. Do

19 you see this here?

20 **A. Yes. State the reason for your decision to**

21 **terminate plaintiff."**

22 Q. Yeah, and you can go ahead and read the

23 response silently to yourself. Let me know when you're

24 ready to discuss this.

25 **A. Okay.**

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1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 Q. All right. So I'm going to ask you about this

2 sentence here where it says:

3 As a result, plaintiff's position was

4 eliminated, along with those of two other

5 executives and more than 500 other employees.

6 Do you know who the two other executives are

7 being referred to here?

8 MR. LAVOIE: Objection. Lacks foundation;

9 calls for speculation.

10 **THE WITNESS: Yeah, I don't know, Tony. This**

11 **was -- at the time that this -- this was something that**

12 **was implemented as --- as Mr. Lynch in his acting-CEO**

13 **role.**

14 BY MR. TARTAGLIO:

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Page 253

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 Q. And this response says that:

11 Plaintiff's position was eliminated, along

12 with those two other executives and more than

13 500 other employees.

14 Do you know whether it's true that

15 Ms. Sandhu's position was eliminated along with more

16 than 500 other employees'.

17 **A. I don't know specifically, but it's**

18 **conceivable, yeah. I think also in that 500 other**

19 **employees, a large share of them was the cyber business**

20 **unit; it wasn't all corporate. So that was kind of**

21 **company-wide reductions that were happening at the time.**

22 Q. But this response says that these 500 hundred

23 other employees were eliminated because they did not fit

24 within either of the two business units here; correct?

25 MR. LAVOIE: Objection. Argumentative; I



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1 object to the commentary. What was the question?

2 BY MR. TARTAGLIO:

3 Q. Is it accurate Ms. Sandhu's -- strike that.

4 Is it accurate that more than 500 other

5 employees and Ms. Sandhu were terminated in the manner

6 described in this paragraph?

7 A. I think it's accurate that she was terminated

8 by Mr. Lynch and that we did, at the same time, have a

9 reduction of over 500 employees. The only thing I'm

10 calling out is, those 500 employees was broader -- I

11 believe it was broader than just the corporate team.

12 There was, I think, a large chunk of them were part of

13 the cybersecurity reductions that were going on at the

14 time as well.

15 MR. TARTAGLIO: All right. That's fine.

16 That's all the questions I have.

17 MR. LAVOIE: Let take a quick break. I don't

18 know if I'll have questions or not, but let me just

19 gather, and we'll come back in three to five minutes.

20 Something like that. I know the court reporter needs to

21 get out of here but -- so I'll try to be quick.

22 THE VIDEOGRAPHER: We're going off the record.

23 The time is 5:14 p.m.

24 (Whereupon a recess was taken.)

25 (Whereupon, Exhibit 30 was marked for

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1 right in this time was when he informed me of the

2 changes he wanted to make.

3 Q. When Mr. Lynch talked to you about these

4 planned changes, did he say, I've decided to make these

5 three separations or changes? Or did he say, I'm

6 thinking about making these changes?

7 A. No. He was pretty clear that he was decisive

8 and made that decision to make those changes.

9 Q. And when he told you that he had decided this,

10 did he ask for your input on these decisions?

11 A. No. I was definitely being more informed that

12 this was the decision that, you know, he came to and

13 wanted to implement.

14 Q. Did you volunteer input on these decisions?

15 A. No, I didn't.

16 Q. And what was your understanding as the reason

17 that Mr. Lynch was informing you that he had made the

18 decision to part ways with these three executives?

19 MR. TARTAGLIO: Calls for speculation.

20 THE WITNESS: He -- I believe he informed me so

21 I can prepare, because when these people were going to

22 leave the organization, we had to transition their teams

23 into these two business units as part of his strategy.

24 So I think it was more to prepare me to get ready to

25 help with the transition of some of those folks.

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1 identification.)

2 THE VIDEOGRAPHER: We are back on the record.

3 The time is 5:22 p.m.

4 EXAMINATION

5 BY MR. LAVOIE:

6 Q. Mr. Giamatteo, do you recognize what's

7 displayed here as Exhibit 30?

8 A. Yes. This is the letter I received from

9 Morrison Foerster on the conclusions of their

10 investigation.

11 Q. And what's the date on the letter?

12 A. November 29, 2023.

13 Q. You testified earlier today about at some point

14 Dick Lynch informed you that he had decided to thin the

15 corporate layer and to make certain separations,

16 including Ms. Sandhu, [REDACTED]

17 and you learned that from Dick at some point; is that

18 correct?

19 A. Correct.

20 Q. In relation to this letter that you received

21 from Morrison Foerster on November 29, 2023, what's your

22 best estimate of when Mr. Lynch informed you that he had

23 decided to let go these three executives?

24 A. It was probably around the same time. You

25 know, maybe a day or two before or after, but somewhere

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1 BY MR. LAVOIE:

2 Q. You testified earlier today that until opposing

3 counsel showed you a portion of the law firm's report,

4 that you had never seen the report of the law firm that

5 investigated the Ethicslink complaint against you. Do I

6 have that right?

7 A. Correct.

8 Q. Do you know whether -- just to be clear, have

9 you ever seen a report from the law firm that

10 investigated the Ethicslink complaint that says we

11 interviewed this person, that person, the other person.

12 Here's what they said. We looked at these documents;

13 this is what they showed. Have you ever seen a report

14 from the law firm anything like that?

15 A. No. The only thing I ever received from the

16 law firm was this letter that we have on display now.

17 Q. The letter that --

18 A. The letter of November --

19 Q. -- the one-page letter --

20 A. The one-page letter.

21 Q. Okay. Informing you that the -- that the

22 allegations were not substantiated, essentially?

23 A. Correct.

24 Q. And do you know whether Marjorie Dickman was

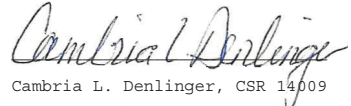
25 interviewed as part the law firm's investigation of the



<p style="text-align: right;">Page 258</p> <p>1 Ethicslink complaint?</p> <p>2 <b>A. I don't know who exactly they interviewed. And</b></p> <p>3 <b>I don't know that Marjorie was one of them.</b></p> <p>4 Q. Assuming Marjorie Dickman was interviewed, do</p> <p>5 you have any idea what she told the law firm?</p> <p>6 MR. TARTAGLIO: Assumes facts.</p> <p>7 <b>THE WITNESS: No.</b></p> <p>8 BY MR. LAVOIE:</p> <p>9 Q. You testified earlier about certain</p> <p>10 communications you had with Dick Lynch while he was</p> <p>11 acting CEO and while the Ethicslink investigation was</p> <p>12 going on. Do you recall answering questions about that</p> <p>13 earlier?</p> <p>14 <b>A. Yes, I do.</b></p> <p>15 Q. During any of these conversations that you had</p> <p>16 with Dick Lynch, while the Ethicslink investigation was</p> <p>17 going on, did he imply to you that everything is going</p> <p>18 to be okay?</p> <p>19 <b>A. No, not at all.</b></p> <p>20 Q. Did he ever imply that the investigation was</p> <p>21 just a formality?</p> <p>22 <b>A. No --</b></p> <p>23 MR. TARTAGLIO: Leading.</p> <p>24 <b>THE WITNESS: -- not at all.</b></p> <p>25 ///</p>	<p style="text-align: right;">Page 259</p> <p>1 BY MR. LAVOIE:</p> <p>2 Q. Did he ever imply to you that the company was</p> <p>3 just going through the motions with this investigation?</p> <p>4 MR. TARTAGLIO: Leading.</p> <p>5 <b>THE WITNESS: No, not at all.</b></p> <p>6 BY MR. LAVOIE:</p> <p>7 Q. Did he ever imply that the board was going to</p> <p>8 hire you regardless of what the law firm found?</p> <p>9 <b>A. No.</b></p> <p>10 Q. What was your impression as to what would</p> <p>11 happen -- what was your impression at the time as to</p> <p>12 what would happen if the results of the investigation</p> <p>13 had been the opposite?</p> <p>14 MR. TARTAGLIO: Incomplete hypothetical.</p> <p>15 <b>THE WITNESS: I think at a minimum, I'm sure I</b></p> <p>16 <b>wouldn't have been appointed as CEO, and probably I</b></p> <p>17 <b>would have been let go from the company.</b></p> <p>18 BY MR. LAVOIE:</p> <p>19 Q. Have you seen any indication that the decision</p> <p>20 to separate Ms. Sandhu had something to do with her</p> <p>21 complaints against you? Have you seen any indication of</p> <p>22 that?</p> <p>23 MR. TARTAGLIO: Lack of foundation; legal</p> <p>24 conclusion.</p> <p>25 <b>THE WITNESS: No.</b></p>
<p style="text-align: right;">Page 260</p> <p>1 BY MR. LAVOIE:</p> <p>2 Q. Have you seen any indication that Ms. Sandhu's</p> <p>3 termination had something to do with a belief that she'd</p> <p>4 made a false complaint or report? Have you seen any</p> <p>5 indication that that was a reason for her termination?</p> <p>6 MR. TARTAGLIO: Lack of foundation.</p> <p>7 <b>THE WITNESS: No indication at all.</b></p> <p>8 BY MR. LAVOIE:</p> <p>9 Q. Have you seen any indication that Ms. Sandhu's</p> <p>10 termination had something to do with her race or her</p> <p>11 gender?</p> <p>12 MR. TARTAGLIO: Lack of foundation; compound.</p> <p>13 <b>THE WITNESS: No indication at all.</b></p> <p>14 BY MR. LAVOIE:</p> <p>15 <b>Q. You spoke today or testified about the thinning</b></p> <p>16 <b>of this corporate layer. Do you have any sense, in</b></p> <p>17 <b>terms of a head count perspective, how much head count</b></p> <p>18 <b>was in that corporate umbrella layer around the time</b></p> <p>19 <b>John Chen stepped down in October of 2023 as compared to</b></p> <p>20 <b>today?</b></p> <p>21 <b>A. Yeah, I remember when I stepped into the CEO</b></p> <p>22 <b>role in the middle of December of 2023, that big</b></p> <p>23 <b>corporate kind of infrastructure was over 700 people.</b></p> <p>24 <b>And then as we implemented, you know, Mr. Lynch's</b></p> <p>25 <b>strategy, which he kind of set in motion and then I</b></p>	<p style="text-align: right;">Page 261</p> <p>1 <b>carried on when I was appointed CEO, six months later</b></p> <p>2 <b>from the time that that 700-person organization got, you</b></p> <p>3 <b>know, thinner, down to, you know, 500 people. And about</b></p> <p>4 <b>six months from there, it went down further to about 300</b></p> <p>5 <b>people.</b></p> <p>6 <b>So over the course of the year, as part of that</b></p> <p>7 <b>strategy of creating a thin layer at the corporate</b></p> <p>8 <b>level, we went from 700 to 500 to 300 as part of our</b></p> <p>9 <b>execution against that strategy.</b></p> <p>10 MR. LAVOIE: That's all I have subject to Tony</p> <p>11 having more questions.</p> <p>12 MR. TARTAGLIO: I don't have any questions.</p> <p>13 MR. LAVOIE: Okay. Before we go off the</p> <p>14 record, I'm going to provisionally designate the</p> <p>15 transcript as confidential pursuant to final</p> <p>16 confidentiality designations being made pursuant to the</p> <p>17 timing in terms called for by the protective order.</p> <p>18 THE REPORTER: Mr. Lavoie, did you need a copy</p> <p>19 of the transcript?</p> <p>20 MR. LAVOIE: Yes, please.</p> <p>21 THE VIDEOGRAPHER: Counsel, could you take the</p> <p>22 screenshare down?</p> <p>23 MR. LAVOIE: Oh, yes.</p> <p>24 THE VIDEOGRAPHER: We all done?</p> <p>25 MR. LAVOIE: From my perspective, yes.</p>





<p>Page 262</p> <p>1 THE VIDEOGRAPHER: I will read us off.</p> <p>2 This concludes today's video-recorded</p> <p>3 deposition of John Giamatteo.</p> <p>4 The original media of this deposition will</p> <p>5 remain in the custody of Talty Court Reporters, Inc.,</p> <p>6 located in San Jose, California.</p> <p>7 We are now going off the record. The time is</p> <p>8 5:30 p.m.</p> <p>9 (Whereupon, the deposition of JOHN</p> <p>10 GIAMATTEO was concluded at 5:30p.m.)</p> <p>11</p> <p>12 --oOo--</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 263</p> <p>1 REPORTER'S CERTIFICATE</p> <p>2 I, Cambria Denlinger, California Certified</p> <p>3 Shorthand Reporter No. 14009, certify;</p> <p>4 That the foregoing proceedings were taken before me at</p> <p>5 the time and place therein set forth, at which time the</p> <p>6 witness declared under penalty of perjury; that the</p> <p>7 testimony of the witness and all objections made at the</p> <p>8 time of the examination were recorded stenographically</p> <p>9 by me and were thereafter transcribed under my direction</p> <p>10 and supervision; that the foregoing is a full, true and</p> <p>11 correct transcript of my shorthand notes so taken and of</p> <p>12 the testimony so given;</p> <p>13 That before completion of the deposition, review of the</p> <p>14 transcript ( ) was ( X ) was not requested; ( ) that</p> <p>15 the witness has failed or refused to approve the</p> <p>16 transcript.</p> <p>17 I further certify that I am not financially interested</p> <p>18 in the action, and I am not a relative or employee of</p> <p>19 any attorney of the parties, nor of any of the parties.</p> <p>20 I declare under penalty of perjury under the laws of</p> <p>21 California that the foregoing is true and correct.</p> <p>22 Dated this 9th of September, 2025</p> <p>23</p> <p>24 </p> <p>25 Cambria L. Denlinger, CSR 14009</p>
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